

COMMITTEE CHARTER

Commencement

The original Charter came into operation on 1 May 2012. This revision to the Charter was approved by the Council of the ACT Law Society Council on 19 August 2013 and is effective from that date.

The Society's Committees

The Society has established various committees and charged them with specific tasks to accomplish its policy, functional governance and regulatory responsibilities. Clause 13(b) of the Society's Constitution states:

"Notwithstanding anything contained in this Constitution either the President or the Council may establish such Committees as he, she or it deems desirable from time to time and may delegate any of its powers to such committees which may consist of one or more Members."

It has been the tradition of this Society that this power has been exercised by the President with the advice of the Council or the Executive Committee as appropriate.

The Society Constitution is recognised in the *Legal Profession Act 2006* (see section 576). Sub-section 577(2) states:

"The Law Society Council may delegate the Council's functions under this Act to –

- a) a Committee of the Council; or
- b) to a Member of the staff of the Law Society."

The Society has two types of Committees:

1. Governance and regulatory committees

the Executive Committee
the Complaints Committee
the Legal Profession Act and Ethics Committee

2. Legal policy, advisory and functional committees

Standing Committees	Access to Justice ACT Legal Executives (ALEC) ADR Civil Litigation Commercial & Business Law Complaints Criminal Law Elder Law & Succession Law Equalising Opportunities in the Law (EOL)
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	Family Law Functions & Law Week Government Lawyers Industrial Relations International Lawyers Legal Profession Act & Ethics Pro Bono Clearing House Management Committee Property Law Young Lawyers
Ad hoc committees	Human Rights Military Law Practice Management

This Charter does not apply to the Executive Committee, the Complaints Committee or the Pro Bono Clearing House Management Committee.

The Role of the President

It is the role of the President to:

- establish and populate a committee system for areas of practice;
- ensure that committees maintain a balance of necessary skills and knowledge and a dynamic membership;
- ensure that committees are manageable, i.e., they are not too large or have too wide a scope;
- maximise profession-wide awareness of and interest in the committees and their role;
- ensure that committee membership is broadly representative of the Society's membership; and
- receive and consider requests for funding from committees for specific initiatives, bringing such requests to the Council as appropriate.

In carrying out these functions, the President may consult widely at his or her discretion.

The Role of the Committees

The role of the Committees is to:

- provide advice to the President, the Executive Committee and the Council in connection with their areas of expertise;
- scrutinise the ACT Government's legislative program to identify bills and subordinate legislation on which the Society should comment;
- draft submissions to government and other interested parties on matters within their area of expertise as directed by the President, the Chief Executive Officer or of their own volition;
- where appropriate, identify and seek assistance from other members of the Society who can provide assistance to the Committee about specific issues;
- keep the President informed of significant current or anticipated developments which could affect the legal profession;
- be responsible for the identification of topics and presenters of CPD seminars within their area of expertise; and

- draft, or cause to be drafted by other members of the Society, articles on current issues within their areas of expertise for publication through the Society's media.

Chairs

Appointment of Committee Chairs is made or terminated by the President. In the normal course of events it would be expected that Chairs would be members of the Society and hold practicing certificates.

Chairs are responsible for:

- chairing the committee's meetings;
- settling the annual program of meetings with the Committee Administrator;
- planning and settling the agenda for each meeting in collaboration with the Committee Administrator;
- settling an annual work program for the committee, in consultation with other committee members, comprised of viable and measureable objectives for the committee for the year;
- assigning tasks to other members of the Committee in accordance with the Committee's work program;
- settling the minutes of each meeting and having them distributed to the members prior to the committee's next meeting;
- directing follow up action flowing from each meeting;
- ensuring that members of the Society are kept informed of the activities of their respective committees; to that end, draft or delegate another committee member to draft, articles for *Hearsay*;
- representing the Society or arranging a representative, when requested by the President, at meetings with third parties or in relation to other activities involving the Society;
- identifying and, with the approval of the President, recruiting new committee members: and
- drafting the committee's annual report.

Term of Chairs

- The term of a Chair is to be two years.
- An incumbent Chair may seek reappointment as Chair at the cessation of a term.
- A member may not be Chair for a period greater than 4 consecutive years without the approval of the President.
- In deciding to permit a Chair to stand for a further term as a Chair after having held that position for four years, the President may take into account:
 - providing as many Society members as possible with the opportunity to serve as Chair to facilitate the regular introduction of new ideas;
 - the wishes of other members of the committee;
 - the Chair's contribution to the work of the committee; and
 - the activity level of the committee.
- A Chair whose term has expired may remain a member of the committee.

Members

Membership of a committee is a voluntary and honorary role which is to bring necessary skills and knowledge to the committee. Membership of committees should be a balance of experienced practitioners to provide leadership and early career practitioners equipped to participate and to develop into leaders.

In the normal course of events it would be expected that Committee members would be members of the Society and hold practicing certificates.

Members of the Bar may be members of a committee.

Appointment of committee members is made or terminated by the President.

Numbers of Members

As a general indication the number of members of each committee should not exceed 10 in the interests of efficiency. A law firm should not be over-represented on any committee.

Members' responsibilities

It is the responsibility of members of committees to participate and contribute to the fulfillment of their committee's objectives. To that end it is expected that committee members will:

- attend and actively participate at committee meetings;
- undertake at least one substantive work item for the committee per calendar year;
- inform the Chair or the Committee Administrator in advance of their inability to attend a meeting or to complete an action for which they are responsible; and
- focus on the profession's best interest rather than on personal or constituent interests

Quorums

While quorums will not be specified, the Chair has the discretion to close the meeting or refrain from conducting specific business in the absence of sufficient members.

Term of Membership

- The term of appointment of members of a committee is to be two years.
- A member's term of appointment is deemed to begin on 1 January of the year in which he or she is appointed.
- An incumbent member may indicate his or her desire for re-appointment as a member of the committee at the cessation of any two year period.
- In deciding to re-appoint a member for an additional term the President will take into account:
 - the principle of providing as many Society members as possible with the opportunity to serve as a member of a committee to facilitate the regular introduction of new ideas;
 - the member's contribution to the work of the committee;
 - the member's recognised standing and expertise in the profession; and
 - the member's recognised contribution to the profession.

Guests

- Committees may have at their meetings regular or ad hoc guests who are not members of the Society but represent an important stakeholder group, organisation or otherwise bring relevant perspective and expertise to matters under consideration.

Submissions

- Any correspondence, including submissions for reform or advocacy made on behalf of the Society must be submitted to the Executive Committee and sent out under the President's hand at the President's discretion.
- Submissions which propose new policies for the Society or could affect the rights of members of the Society require the approval of Council.

Media

The Society's President is the primary spokesperson for the Society in respect of issues affecting the Society.

Chairs and members of the Society's committee should not, in their capacity as Chairs and members of the Society's committees, communicate with the media without first consulting the Society's President and, in his or her absence, the Chief Executive Officer. In certain circumstances the President may request a committee Chair to provide media comment on matters of law.

Confidentiality

All committee Members are expected to treat as strictly confidential business papers and committee discussions and decisions. They must be conscious that from time to time they will be asked to consider:

- sensitive documents released to the Society on a confidential basis by government and other bodies;
- the draft policy proposals intended for debate within the committee only and which should not be presumed to reflect approved Law Society policy; and
- information that may affect the reputation and livelihood of solicitors and other members of the community.

The Committee Administrator

This position was created to facilitate the work of the standing committees by providing secretarial and administrative services to those committees. The Committee Administrator is not a research officer for the committees; that is the responsibility of the committee members. Other than for routine correspondence the Committee Administrator will not draft original documents such as submissions and articles for the Society's publications; those again are the responsibility of the members of the committee.

19 August 2013