

Policy Committee

Charter

December 2018

Policy Committee Charter

As approved by the Queensland Law Society Council on 13 December 2018.

1. Application of Charter

- 1.1. This charter applies to all Queensland Law Society policy committees established by Council, and to the members of those committees.

2. Role

- 2.1. Policy committees enhance the reputation of the Society and contribute to its leadership of the legal profession by advocating for good law and supporting good lawyers.
- 2.2. Policy committees provide expert advice and develop policy positions, guidance and submissions for reform on areas of legal practice on behalf of the Society.

3. Responsibilities

- 3.1. Policy committees contribute to the achievement of the Society's vision, purpose and strategy by:
 - 3.1.1. assisting and providing expert advice to Council on legal policy and practice issues within their areas of expertise;
 - 3.1.2. developing policy submissions to government and other organisations on behalf of the Society, commenting on policy/legislative initiatives and reports by government and relevant authorities;
 - 3.1.3. proactively identifying and drawing attention to law and justice issues in particular areas of practice and seeking appropriate action or legislative amendments;
 - 3.1.4. providing a forum for identification and consideration of practical problems being experienced by members in common areas of practice;
 - 3.1.5. developing awareness-raising initiatives in relation to legislative reform and practical problems experienced by members;
 - 3.1.6. where appropriate, initiating and developing resources, including publications and training, to support best practice in certain areas of legal practice;
 - 3.1.7. recommending to Council that certain preventive strategies or management systems be recommended to firms and practitioners to address any practical problems being faced by members;
 - 3.1.8. recommending to Council that discussions be conducted with government, government agency, court or other stakeholders to resolve practical problems experienced by members; and
 - 3.1.9. setting an annual work program of proactive advocacy and activities the committee aims to achieve by the end of the calendar year.

4. Authority

- 4.1. Policy committees operate under the direction and authority of Council and the president.
- 4.2. Policy committees are given authority to make recommendations to Council on law reform and policy matters including:
 - 4.2.1. identifying, researching and assessing current law reform issues of relevant to the Queensland legal profession and the community; and
 - 4.2.2. preparing drafts of correspondence, policy positions, legislative amendments, articles, publications and training materials for consideration by the president or Council (or, in the case of articles for *Proctor*, the Proctor Editor).
- 4.3. In researching and assessing legal policy and practice matters, policy committees may liaise with relevant stakeholders on behalf of the Society (in accordance with paragraphs 12.2 and 12.3 below).
- 4.4. Policy committees and their members have no authority to communicate or publicise a position, recommendation, opinion or view of the Society – see paragraphs 11 and 12 below.
- 4.5. Policy committee members must not represent their own views as the views of their committee or the Society.
- 4.6. Policy committees have no authority to commit resources of the Society to projects or initiatives. Any requests for resources additional to the committee's allocated policy solicitor should be made through the policy solicitor and will be determined by the Society having regard to cost, available resources and strategic benefit.

5. Composition

- 5.1. Policy committees will consist of no more than 20 members.
- 5.2. The role of a committee member is set out in Attachment 1.
- 5.3. Committee members are appointed by Council.
- 5.4. In the interests of Committee renewal and refreshment, Committee Chairs are expected to review membership and contribution of members regularly and undertake succession planning at least twice each year. If a Committee member has served more than 6 years, consideration should be given as to whether their position on the Committee should be the subject of review.
- 5.5. Members of the committee must hold full, associate or honorary membership of the Society. Council will give preference to full members and is unlikely to appoint more than the following number of associate or honorary members as members of a policy committee:
 - 5.5.1. if the committee has up to 10 members – one; and
 - 5.5.2. if the committee has more than 10 members – two.Council may in its discretion, make appointments which exceed the limits on associate and honorary members in paragraph 5.5.1 and 5.5.2 on the chair's recommendation, taking into account the circumstances of a particular committee.
- 5.6. Membership of a committee is automatically terminated if a person ceases to be a member of the Society.

- 5.7. When considering prospective members for policy committees, Council should take into account the following:
 - 5.7.1. whether the prospective members' experience and qualifications would benefit the particular committee in discharging its role;
 - 5.7.2. whether granting membership to the prospective member would assist the Society in delivering overall a policy committee demographic that reflects the Society's membership demographics; and
 - 5.7.3. whether the prospective member has previously served on a committee for the Society, and the prospective member's conduct in that role.
- 5.8. In consultation with the relevant policy solicitor, the chair of a committee will consider changing the membership of the committee if:
 - 5.8.1. a position on the committee falls vacant;
 - 5.8.2. the balance or expertise required of the committee calls for changes; or
 - 5.8.3. expressions of interest in joining the committee are received.
- 5.9. In consultation with the relevant policy solicitor, the chair must consider whether expressions of interest should be called for to identify prospective candidates.
- 5.10. The chair is responsible for considering expressions of interest and making a recommendation to Council regarding appointment, after consultation with the committee members and the relevant policy solicitor.
- 5.11. If a committee member is the subject of a legal professional disciplinary or criminal charge, then that member must stand down from the committee pending resolution of the matter. Membership of a committee is automatically terminated if a person is found guilty of a charge of unsatisfactory professional conduct or professional misconduct.
- 5.12. A committee member may resign from the committee at any time upon written notice to the chair or president.
- 5.13. A committee member who attends no meetings of the committee during a calendar year, without a leave of absence granted by the chair, shall be taken to have resigned from the committee.
- 5.14. If:
 - 5.14.1. a committee member is absent for three consecutive meetings without a leave of absence being granted by the chair; or
 - 5.14.2. the chair, upon resolution of the committee, determines that the member is otherwise regarded as not being an effective member, then the chair must recommend to the Council that the committee member's membership of the committee be terminated.
- 5.15. Membership of a committee may be terminated by Council if Council considers that a committee member has failed to discharge his or her duties under, or acted inconsistently with, the role of a committee member as detailed in Attachment 1 (including breaching confidentiality of committee discussions) or otherwise brought the Society or the committee into disrepute.

6. Chair and deputy chair

- 6.1. The chair will be appointed by Council on recommendation of the committee.
- 6.2. The chair will be appointed from the existing members of the committee, unless the Council is satisfied that there are extenuating circumstances which justify the appointment of a chair from outside of the committee.
- 6.3. In considering the appointment of a chair, Council should have regard to:
 - 6.3.1. the expertise of the candidate in the committee's area of law;
 - 6.3.2. the personal leadership qualities of the candidate;
 - 6.3.3. the performance of the candidate during his or her time on the committee; and
 - 6.3.4. any submissions made by the committee in support of the recommendation.
- 6.4. The chair will be responsible for leading and managing the committee in carrying out its responsibilities. Further detail on the role of the chair is in Attachment 2.
- 6.5. The committee shall appoint a deputy chair to assist the chair as needed and to chair meetings where the chair of the committee is not present.
- 6.6. The term of a chair and a deputy chair is two years. A committee member may not be chair or deputy chair for a period greater than four consecutive years without the approval of Council.
- 6.7. The chair and deputy chair of the committee must be full members of the Society.
- 6.8. A chair or deputy chair can be removed from the position by Council if Council is satisfied that the chair or deputy chair has failed to discharge his or her duties under, or acted inconsistently with, the role of a chair or deputy chair as detailed in Attachment 2, or otherwise brought the Society or the committee into disrepute.

7. Meetings

- 7.1. Policy committees will meet at least four times per year. Committees may also meet additionally as the chair considers necessary.
- 7.2. Policy committee papers are provided to committee members, wherever possible, seven working days prior to the relevant meeting.
- 7.3. It is the Society's policy to encourage the participation of committee members in meetings by appropriate means, including by facilitating and encouraging attendance by phone or electronic or digital means where attendance in person is not possible or inconvenient.
- 7.4. The minimum quorum for a committee meeting is four members.
- 7.5. Councillors, staff members of the Society and invited guests may attend and speak at a committee meeting.
- 7.6. Should the chair of the committee be absent from a meeting, the deputy chair (if appointed) will act as chair. If there is no deputy chair, the members of the committee present at the meeting have authority to choose one of their number to be chair for the particular meeting.

8. Voting

- 8.1. Any matters requiring decision will be decided by a majority of votes of members present or participating.

9. Conflicts of interest

- 9.1. If a policy committee member has a personal interest, or a direct or indirect financial interest, in an issue being considered or about to be considered by the committee and the interest could conflict with the proper performance of the member's duties about the consideration of the issue, the member must disclose the nature of the interest to a committee meeting.
- 9.2. Unless the chair otherwise directs, the interested member must not be present when the committee considers the issue or take part in a decision of the committee about the issue.
- 9.3. The interested member must not be present when the committee is considering whether to excuse them from committee discussions on the issue.
- 9.4. Any disclosure of a conflict of interest must be recorded in the minutes of the meeting.

10. Confidentiality

- 10.1. All policy committee members and invited guests are expected to observe strict rules of confidentiality with respect to committee business. They must be conscious that from time to time:
 - 10.1.1. they may be asked to consider and comment on highly sensitive documents released to the Society by government and other authorities;
 - 10.1.2. they may be asked to consider draft policy proposals intended for debate within the committee which should not be presumed to reflect approved Society policy;
 - 10.1.3. they may have before them information which may affect the reputation and livelihood of practitioners and other members of the community.
- 10.2. Any breach of confidentiality could materially affect individuals, damage the trust which exists between the Society and a number of institutions and organisations, or create false impressions about Society policy.
- 10.3. It is the responsibility of all committee members and invited guests to maintain the security of committee papers and to treat as confidential any information received through their involvement with the committee. Failure to maintain appropriate confidentiality of Society information and committee discussions may result in termination of committee membership pursuant to paragraph 5.15.
- 10.4. Unauthorised disclosure of personal information held by the Society relating to the administration of the *Legal Profession Act 2007* may breach section 705 of the *Legal Profession Act 2007*, which is an offence subject to a maximum penalty of 200 penalty units.
- 10.5. Committee chairs are encouraged to consider the confidentiality of any discussion or matter at the end of each meeting.
- 10.6. The confidentiality obligations in this paragraph do not restrict the committee undertaking stakeholder liaison as contemplated in Part 12 of this Charter. It is acknowledged that consultation and engagement with other Society policy committees, the Law Council of Australia, other State law societies and relevant stakeholders will be necessary and appropriate for the purposes of gathering information and developing sound policy positions. If consultation involves confidential information, the consultation must be conducted on the basis that the consulted organisation acknowledges and respects the confidential nature of the discussion. Confidential information referred to in paragraph 10.1 must not be shared outside of the Society without the approval of the President.

11. Media

- 11.1. The president, or a person nominated by the president, is the primary spokesperson for the Society.
- 11.2. In line with the Society's media policy, no member of the committee should speak to the media or make any comment on behalf of the Society without specific approval of the president.

12. Stakeholder liaison

- 12.1. The president must approve any correspondence or communication that contains a position, recommendation, opinion or view of the Society. Such correspondence or communication must be sent out under the president's hand.
- 12.2. The chair, or committee members approved by the committee, may liaise with stakeholders on behalf of the committee provided they have the committee and policy solicitor's knowledge and approval.
- 12.3. Any stakeholder liaison by committee members in that capacity must be conducted in accordance with the Society's core values of respect, integrity and service.
- 12.4. Any stakeholder liaison undertaken on behalf of the committee must be reported back to the committee at its next meeting.

13. Guests

- 13.1. A policy committee, through the chair, may invite guests to attend committee meetings to bring relevant perspectives and expertise on matters under consideration.
- 13.2. Guests do not have an automatic right of access to the committee's papers (which includes agendas and minutes). Access to the committee's papers is at the discretion of the policy solicitor, in consultation with the chair.
- 13.3. Guests (including the Society staff) have no voting rights at meetings.
- 13.4. Councillors may attend any committee meeting and have access to the committee's papers, on request to the policy solicitor.

14. Secretariat duties

- 14.1. The Society will provide a policy solicitor who will assist the chair by organising the venue for the meeting, producing the notice of meeting, agenda and papers, and taking and circulating the minutes of the meeting.
- 14.2. The chair and policy solicitor, in consultation with committee members, will settle by the first meeting of the calendar year:
 - 14.2.1. an annual calendar for the committee; and
 - 14.2.2. an annual work program of proactive advocacy and activities the committee aims to achieve by the end of the calendar year.

15. Minutes

- 15.1. Minutes must be prepared, reviewed by the chair and circulated to committee members as soon as possible and not later than two weeks after the meeting. The minutes must be approved by the chair and ratified by the members present at the meeting.

16. Access to advice

- 16.1. Policy committees and their members have no authority or delegation to seek advice or engage experts on behalf of the committee or the Society.
- 16.2. If, in pursuit of its Council-approved objectives, a policy committee wishes to obtain advice from experts outside of the committee, it may make a request to the policy solicitor to obtain such advice.
- 16.3. The request must be in writing and explain the need for the advice. The Society will consider the request and determine whether or not it will take action on the request.
- 16.4. Whether or not the request is accepted is at the sole and unfettered discretion of the Society.

17. Reporting to Council

- 17.1. The Society's policy team will prepare and provide periodic summary reports to Council on the annual work program of all of the Society's policy committees.

18. Reviews

- 18.1. The committee will perform an annual evaluation of its performance. The review may be conducted as a self-assessment and will be coordinated by the chair. The assessment may seek input from any person and will consider the committee's compliance with this charter and any aspects of this charter that are recommended for review by Council.
- 18.2. Council will evaluate the performance of the committee as appropriate.
- 18.3. Council may review the policy committee charter at any time.

Your role as a committee member

Overview

The position of member of a committee is a voluntary and honorary role which brings necessary skills, knowledge and effort to support the committee in fulfilling its role.

A committee member occupies a position of trust, confidence and influence within the committee and the Society. It is important that members conduct themselves in a manner that will maintain and enhance that trust, confidence and influence.

The Society's three core values underpin the performance of your role as a committee member. These are:

1. respect;
2. integrity; and
3. service.

Respect

Demonstrating respect in carrying out the activities as a committee member involves valuing people and acknowledging their contributions. It involves:

1. being polite and courteous in all actions;
2. treating committee members, Society staff, stakeholders and others with dignity; and
3. valuing the contributions, opinions and diversity that other members, guests and stakeholders bring to the committee's work.

Integrity

In your role with the committee you have a responsibility to demonstrate integrity by being honest and fair in all your actions. This includes:

1. being accountable to the committee and to the Society for your actions as a committee member;
2. being honest and fair in your dealings with the committee, the Society, other Society members and stakeholders; and
3. following through with your promises in a timely manner.

Service

By performing your role as a committee member, you are providing a valuable service to the Society, the profession and the public. In your role you must work together with the committee to anticipate needs, exceed expectations and honour commitments. You should:

1. actively listen and respond to member and stakeholder concerns;
2. play your part to ensure meetings and tasks are undertaken efficiently and with respect for others' time commitments; and
3. look for new ways to do things better and work with the Society to continually improve the operation of the committee.

Other obligations

1. You must be scrupulous in your use of confidential information and ensure that privacy principles are maintained.
2. You must disclose any potential conflict of interest.
3. Your decision making must be fair and consistent, based on all relevant information and honest, open and impartial.
4. Harassment, discrimination and bullying are unacceptable from any committee member or anyone involved with the Society. The duties under the *Work Health and Safety Act 2011* apply to all committee members in the conduct of their roles.
5. When using the Society's premises or facilities, you must ensure that you comply with all rules, directions and procedures including those relating to security and work health and safety which are in effect at those premises or in regard to those facilities.
6. You must act professionally at all times in the performance of committee duties, exercising skill, care and diligence.

Committee members should:	Committee members should not:
Attend meetings (in person or via technology) wherever possible	Consider meeting attendance optional
If unavailable to attend, provide a written apology to the meeting organiser two clear business days prior to the meeting	Be a 'no show'
Review all relevant materials and papers in advance of the meeting	Turn up unprepared
Provide thoughtful and timely input	Ignore emails circulated between meetings
Work toward fulfilling the committee and Society's objectives	Run their own agenda
Carry out tasks assigned by the chair	Commit to contributing and then not follow through
Respect the role of the president and CEO as primary public spokespeople for the Society	Represent personal views as the views of the Society
Focus on the Society's best interests	Pursue personal, stakeholder or firm interests

Your role as committee chair

The chair of the committee will be appointed by Council. The chair's role is to lead the committee in fulfilling its role and complying with its charter.

Responsibilities

1. Accept and support the committee charter.
2. Manage the committee for outcomes not attendance
3. Plan meetings and agendas in collaboration with the Society's staff member assigned to support the committee (committee secretary/policy solicitor).
4. Attend all meetings and maintain awareness of committee work between meetings.
5. Ensure meetings are efficiently and effectively administered to achieve committee objectives.
6. Manage membership of the committee with an emphasis on:
 - a. including as many interested Society members as possible and managing for renewal and refreshment of membership;
 - b. promoting participation of regional, rural and remote practitioners and diversity of experience and background;
 - c. engaging with early career practitioners to support their development into the future leaders of the profession;
 - d. maintain a skills matrix for members of the committee and actively recruit to ensure a spread of expertise
 - e. facilitating the regular introduction of new ideas; and
 - f. considering candidates':
 - i. willingness and desire to contribute to the work of the committee;
 - ii. recognised standing and expertise in the profession; and
 - iii. recognised contribution to the profession.
7. Maintain records of committee work with the assistance of the Society's staff member assigned to support the committee (committee secretary/policy solicitor).
8. Facilitate committee members' active participation and decision-making.
9. Resolve committee member issues and complaints wherever possible.
10. Ensure that the committee reports to Council in accordance with the charter.
11. Lead self-assessment of committee performance.
12. Encourage the committee to appoint a deputy chair and ensure the deputy chair supports and supplements the chair as necessary.
13. Plan for your successor and transfer the knowledge, experience and relationships held in the role of chair.
14. Recommend potential new members to Council.

Tips for meetings

1. Begin on time.
2. At the commencement of each meeting, quickly complete the following administrative tasks:
 - a. confirm the attendees (whether in person or via teleconference) and the apologies;
 - b. ask the committee to review and confirm the minutes of the previous meeting, or agree on any changes to be made before they are confirmed;
 - c. ask committee members if there are any material interests to be declared relating to any of the agenda items.
3. Do not pass out a lot of new material during the meeting. People will not have time to read it, and it distracts from good discussion.
4. Focus on the resolutions required of the meeting, ensure that all participants have adequate time to contribute, listen carefully to all contributions, and obtain agreement on decisions taken and future plans.
5. Remind committee members and guests of their confidentiality obligations at the end of the meeting.
6. Close the meeting on time.

Using teleconferencing or videoconferencing

1. As the chair, call on the people on the telephone or videoconference to express a view on each agenda item: “Sarah, what do you think about this?”
2. Do not allow side conversations. Ask members to speak one at a time.
3. If using teleconferencing, ask members to say who they are before they make their point.
4. Make sure those calling or linking in have access to all of the materials being referred to at the meeting.

A chair is encouraged to:	A chair should not:
Value all members	Be the person who talks most at the meetings
Enable everyone to voice their view	Allow one or two people to dominate meetings
Strive for consensus	Make all the decisions
Encourage new committee membership	Exclude any member from discussions
Ensure discussions are targeted to achieving a resolution or outcome	Allow meetings to become unproductive
Welcome new members	Make people feel uncomfortable
Allow others to take responsibility	Coerce members to contribute to discussions
Keep calm	Lose his/her temper
Take the lead in submission work, if necessary	Be afraid to delegate matters to appropriate members
Be responsive to the Society's staff to resolve issues in a timely way	Assume the Society's staff will do all the work