

Specialist Accreditation

**Board and Advisory
Committee**

Charter

7 February 2019

Specialist Accreditation Board and Advisory Committee Charter

As approved by the Queensland Law Society Council on 7 February 2019

1. Introduction

- 1.1. This Charter outlines the rules regarding membership and operation of the Society's Board and the Advisory Committees.
- 1.2. While the Board and the Advisory Committees have some unique requirements associated with their function, this Charter is aligned with the Society's Model Committee Charter and approved by Council.
- 1.3. Part A sets out the provisions applying only to the Board.
- 1.4. Part B sets out the provisions applying only to the Advisory Committees.
- 1.5. Part C sets out provisions that are applicable to both the Board and the Advisory Committees.

Part A: the Board

2. Role

- 2.1. The Council of the Society established the Board to oversee and administer various aspects of the Scheme.
- 2.2. The Board has a general jurisdiction over the Scheme and decisions made pursuant to the Scheme Handbook.
- 2.3. Persons appointed to the Board represent a cross section of the legal profession and include representatives from the law faculty of tertiary institutions.

3. Responsibilities

- 3.1. The Board is responsible to the Society's Council for the good governance and successful operation of the Scheme.
- 3.2. The Board and the members of the Board have the duty to:
 - 3.2.1. regularly attend and actively participate in Board meetings;
 - 3.2.2. approve the conferral of accreditation on a candidate following a recommendation from an Advisory Committee that the candidate has met the standard of accreditation, and confirmation from the Professional Advancement Team that the candidate has successfully passed a suitability check conducted by the Society;
 - 3.2.3. publish a list of names of successful candidates in a publication of the Society as soon as practicable following the completion of each program;
 - 3.2.4. subject to clause 3.2.3, maintain as confidential at all times the identity of enquirers, applicants and candidates and the performance of individual candidates and their assessment results;
 - 3.2.5. maintain as confidential at all times the content of assessment materials prior to the assessment tasks taking place and until such time as the assessment materials are no longer considered confidential;
 - 3.2.6. publicly support the Scheme, the relevance of specialist accreditation to the Society's members and the community, and the decisions of the Board;
 - 3.2.7. discharge the duties of the Board and make decisions impartially, in good faith and in the best interests of the candidates, the Board, the Society and its members;

- 3.2.8. exercise care and diligence in discharging its duties and not act recklessly or dishonestly; and
- 3.2.9. make determinations for the maintenance and advancement of the Scheme.

4. Authority

- 4.1. The Board's role in relation to the Scheme includes, but is not limited to:
 - 4.1.1. performing the functions conferred on it by the Society in relation to the governance of the Scheme;
 - 4.1.2. determining areas of practice in which specialist accreditation will be offered;
 - 4.1.3. appointing and supervising members of the Advisory Committees and, at its discretion, acting on the recommendations of those Advisory Committees;
 - 4.1.4. making and publishing standards for accreditation designed to produce a uniform level of competence amongst the various specialties in accordance with the nature of those specialties;
 - 4.1.5. making recommendations to the Council for amendments to the Scheme whenever appropriate;
 - 4.1.6. reporting annually to Council on the conduct of the Scheme;
 - 4.1.7. establishing marketing guidelines for Accredited Specialists to market their specialist accreditation;
 - 4.1.8. supporting the Society in its promotion of the Scheme to the public, profession and potential candidates;
 - 4.1.9. encouraging and participating in co-operation at a national level;
 - 4.1.10. hearing and determining appeals by unsuccessful candidates for accreditation;
 - 4.1.11. hearing and determining appeals from an Advisory Committee decision;
 - 4.1.12. hearing and determining any discretionary applications by applicants to a Program or in relation to an exemption from the temporary exclusion period;
 - 4.1.13. where appropriate, make decisions relating to leaves of absence of Accredited Specialists;
 - 4.1.14. denying, suspending, revoking or reinstating accreditation;
 - 4.1.15. ensuring that the Scheme is administered in a proper, effective and efficient way that promotes the best interests of the Society and its members;
 - 4.1.16. determining applications by Australian Legal Practitioners seeking mutual recognition of accreditation in an area of accreditation successfully obtained in another State or Territory; and
 - 4.1.17. doing other acts or things as are necessary from time to time for the governance and advancement of the Scheme.
- 4.2. In addition to the functions and powers described in clause 4.1, the Board has the power to:
 - 4.2.1. establish an Advisory Committee for each area of practice in which it is intended that legal practitioners be accredited as specialists; and
 - 4.2.2. amend the composition of any Advisory Committee in its absolute discretion.
- 4.3. The Board is not bound to act in accordance with any recommendation or advice provided to it by an Advisory Committee on any issue.
- 4.4. The Board may delegate its duties to:
 - 4.4.1. the committee secretary of the Board;
 - 4.4.2. an Advisory Committee established by the Board; or
 - 4.4.3. another person that the Board considers is an appropriately qualified person to discharge the duties of the Board.

Denial, Suspension, or Revocation of Accreditation

- 4.5. The Board may deny, suspend or revoke the accreditation of an Accredited Specialist on the grounds that the specialist:
 - 4.5.1. has been found by a Court or Tribunal to have committed unsatisfactory professional conduct as defined by section 418 of the *Legal Profession Act 2007* (Qld);
 - 4.5.2. has been found by a Court or Tribunal to have committed professional misconduct as defined by section 419 of the *Legal Profession Act 2007* (Qld);
 - 4.5.3. has been referred to a Court or Tribunal on the basis of a decision by a Regulatory or Law Enforcement Agency/Authority;
 - 4.5.4. has been found guilty of a criminal or regulatory offence in an Australian or foreign jurisdiction;
 - 4.5.5. has been involved in any other finding, allegation or matter which, in the view of the Board would likely bring the Scheme into disrepute;
 - 4.5.6. engaged in conduct which, in the opinion of the Board, is likely to bring Accredited Specialists or the Scheme into disrepute; or
 - 4.5.7. has failed to comply with the requirements for maintaining accreditation.
- 4.6. If the Board believes a ground exists to deny, suspend or revoke a person's accreditation, the Board must advise the person in writing stating the grounds for the proposed action; and invite the person to make written representations to the Board within 28 days of receipt of the notice as to why the proposed action should not be taken.
- 4.7. In determining whether to deny, suspend or revoke the accreditation of an Accredited Specialist, the Board may have regard to any of the following factors:
 - 4.7.1. the seriousness of the circumstances giving rise to the finding;
 - 4.7.2. whether adverse findings were made as to quality, accuracy, speed and cost of legal services;
 - 4.7.3. the necessity to maintain confidence in, and the integrity of the Scheme;
 - 4.7.4. the relevance and/or currency of the finding;
 - 4.7.5. whether the consequences of any resulting denial, suspension or revocation of accreditation would be unduly harsh or oppressive;
 - 4.7.6. the degree of culpability of the legal practitioner in the circumstances giving rise to the finding;
 - 4.7.7. any mitigating or aggravating circumstances;
 - 4.7.8. the age, maturity, physical health, mental health or special disability or infirmity of the legal practitioner;
 - 4.7.9. whether the finding relates to a matter of considerable public concern;
 - 4.7.10. the attitude of the Accredited Specialist;
 - 4.7.11. any written submissions made by referees of the Accredited Specialist; and
 - 4.7.12. any other matters the Board thinks fit.
- 4.8. If after considering all written representations and other relevant factors the Board still believes a ground exists to deny, suspend or revoke accreditation, the Board must provide the Accredited Specialist with written reasons for the decision.
- 4.9. The decision of the Board is final and there are no further rights of appeal to the Council.

Reinstatement of Accreditation

- 4.10. The Board in its absolute discretion may reinstate the accreditation of an Australian Legal Practitioner whose accreditation has expired due to a failure to comply with the requirements under the Scheme Handbook, or which has previously been revoked by the Board.
- 4.11. In determining an application for reinstatement of accreditation, the Board must have regard to any written submissions made by the applicant made pursuant to clause 4.7 of the Scheme Handbook.

5. Composition

- 5.1. The Board shall comprise:
 - 5.1.1. a minimum of eight and a maximum of twelve (12) members appointed by the Council, at least six (6) of whom hold current local practising certificates;
 - 5.1.2. at least two members should represent the Council and be a Councillor;
 - 5.1.3. at least two senior academics with experience in the design and implementation of educational assessment; and
 - 5.1.4. a maximum of three non-Accredited Specialists (not including Council representatives).The role of a Board member is set out in **Attachment 1**.
- 5.2. The position of member of the Board is a voluntary role and no remuneration is payable by the Society.
- 5.3. Members are appointed by Council for a Term. An incumbent member may seek reappointment.
- 5.4. Council is unlikely to approve reappointment of a member for more than three consecutive Terms.
- 5.5. Members of the Board must hold full membership, associate membership or honorary membership of the Society.
- 5.6. Membership of the Board is automatically terminated if a person ceases to be a member of the Society.
- 5.7. In consultation with the committee secretary, the chair of the Board will consider changing the membership of the Board if a position on the Board falls vacant.
- 5.8. In consultation with the committee secretary, the chair must consider whether expressions of interest should be called to identify prospective candidates.
- 5.9. The chair is responsible for considering expressions of interest and making a recommendation to Council regarding appointment, after consultation with members and the committee secretary.
- 5.10. If a vacancy occurs in relation to an appointed member of the Board, and as a result the Board is not validly constituted, the Council must appoint another person who meets the requirements for membership.
- 5.11. If a member is the subject of a legal professional disciplinary proceeding or criminal charge, then that member may stand down from the Board pending resolution of the matter. Membership of the Board is automatically terminated if a person is found by a Court or Tribunal to have committed unsatisfactory professional conduct or professional misconduct.
- 5.12. A member may resign from the Board at any time upon written advice to the chair or president of the Society.
- 5.13. If:
 - 5.13.1. a member is absent for three consecutive meetings without a leave of absence being granted by the chair; or
 - 5.13.2. the chair, upon resolution of the Board, determines that the member is otherwise regarded as not being an effective member,then the chair must recommend to the Council that the membership of the member be terminated.

- 5.14. Membership of the Board may be terminated by Council if Council considers that a member has failed to discharge his or her duties under, or acted inconsistently with, the role of a Board member as detailed in **Attachment 1** (including breaching confidentiality of committee discussions) or otherwise brought the Society or the Board into disrepute.

6. Chair and Deputy Chair

- 6.1. The chair and deputy chair will be appointed by Council on recommendation of the Board.
- 6.2. The chair and deputy chair will be appointed from the existing members of the Board, unless the Council is satisfied that there are extenuating circumstances which justify the appointment of a chair and deputy chair from outside of the Board.
- 6.3. The principal responsibility of the Board's chair is to ensure that the Board fulfils its obligations in accordance with this Charter.
- 6.4. The role of the chair of the Board also includes:
- 6.4.1. providing leadership to the members of the Board and Advisory Committees;
 - 6.4.2. approving the agenda for Board meetings in consultation with the committee secretary;
 - 6.4.3. presiding at Board meetings and directing discussion so that there is an effective use of time;
 - 6.4.4. ensuring that all critical issues are decided by vote and resolved promptly;
 - 6.4.5. ensuring that meeting minutes accurately reflect the Board's decisions;
 - 6.4.6. promoting an environment of openness, trust, accountability and respect;
 - 6.4.7. being the major point of contact between the Board and the Council;
 - 6.4.8. ensuring Board decisions are implemented by the committee secretary or other person as appropriate;
 - 6.4.9. recommending potential new Board members; and
 - 6.4.10. encouraging regular review of the Scheme and implementation of improvements. Further detail on the role of the chair is in **Attachment 2**.
- 6.5. The deputy chair will assist the chair as needed and will chair meetings where the chair of the Board is not present.
- 6.6. The term of a chair and a deputy chair is two years, but this term may be extended by approval from Council. If at the end of a chair's term, a person is the deputy chair, that person is to assume the office of chair.
- 6.7. During any period of vacancy in the office of chair, the Council may appoint an acting chair from the members of the Board until a new chair is appointed by Council.
- 6.8. When a vacancy exists in the office of deputy chair that office may be filled by recommendation from the Board and subsequent approval by Council.
- 6.9. If a deputy chair, having served a term of two years, accedes to the role of the chair, that person may not hold those consecutive roles for a period greater than four consecutive years without the approval of Council.
- 6.10. The chair and deputy chair of the Board must be full members of the Society.
- 6.11. The chair or deputy may resign from that office and remain as a Board member until their term of office expires.
- 6.12. 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 Board into disrepute.

7. Meetings

- 7.1. The Board will meet at least six times a year and additionally as the Board considers necessary.
- 7.2. Where possible, meeting dates for the year are to be set at the start of the year and advised to all members. Meeting dates may be moved or cancelled as required during the year in consultation with the chair.
- 7.3. Board papers are provided to Board members, and wherever possible, seven working days prior to the relevant meeting.
- 7.4. It is the Society's policy to encourage the participation of Board members in meetings by appropriate means, including by facilitating and encouraging attendance by telephone or electronic or digital means where attendance in person is not possible or inconvenient.
- 7.5. The minimum quorum for a board meeting is five Board members. At a Board meeting at which a quorum is present, the Board may perform the functions and exercise the powers of the Board.
- 7.6. Should the chair of the Board be absent from a meeting, the deputy chair (if appointed) will act as chair. If there is no deputy chair, the members of the Board present at the meeting have authority to choose one of their number to be chair for the particular meeting.

8. Reporting to Council

- 8.1. The Board will provide an annual report to the Council on the operation of the Scheme at the completion of each accreditation program.

9. Reviews

- 9.1. The Board will perform an annual evaluation of its performance. The review may be conducted as a self-assessment and will be coordinated by the chair.
- 9.2. Council will evaluate the performance of the Board as appropriate. Council may review this Charter at any time.

Part B: the Advisory Committees

10. Role

- 10.1. The Board shall establish an Advisory Committee for each area of practice in which it is intended that legal practitioners be accredited as specialists.
- 10.2. The Advisory Committee is established to advise and assist the Board in implementing the Scheme in relation to the Advisory Committee's particular area of speciality.

11. Responsibilities

- 11.1. Each Advisory Committee shall advise and assist the Board in implementing the Scheme in relation to the particular Area of Accreditation, including:
 - 11.1.1. setting the method and content of assessment for each assessment program in the Area of Accreditation;
 - 11.1.2. making, reviewing, amending and publishing standards for accreditation and continued accreditation in the Area of Accreditation;
 - 11.1.3. co-ordinating in good faith with the Professional Advancement Team, the law societies of other States or Territories for a jointly run program, and any external advisor engaged by the Society to assist and/or finalise the method, content and marking of assessments for a Program;
 - 11.1.4. supervising and assessing the accreditation of candidates;

- 11.1.5. determining the candidates to be accredited and making a recommendation to the Board for conferral of accreditation on a candidate;
- 11.1.6. making recommendations to the Board regarding the denial, suspension, revocation or reinstatement of accreditation where appropriate;
- 11.1.7. making decisions regarding:
 - (a) applications for reasonable adjustment to assessment arrangements based on disability or impairment, arising from an appeal application by a candidate in response to a decision of an Advisory Committee;
 - (b) applications for special consideration; and
 - (c) selection of a highest achiever to receive a highest achiever award;
- 11.1.8. performing such other duties as may be requested of or delegated to the Advisory Committee by the Board.

12. Authority

- 12.1. The Advisory Committee and the members of an Advisory Committee have a duty to:
 - 12.1.1. regularly attend and actively participate in Advisory Committee meetings;
 - 12.1.2. maintain as confidential at all times the identity of enquirers, applicants and candidates and the performance of individual candidates and their assessment results;
 - 12.1.3. maintain as confidential at all times the content of assessment materials prior to the assessment tasks taking place and until such time as the assessment materials are no longer considered confidential;
 - 12.1.4. discharge the duties of the Advisory Committee and make decisions impartially, in good faith and in the best interests of the candidates, the Board, the Society and its members;
 - 12.1.5. discharge the duties of the Advisory Committee in a timely fashion and in accordance with program dates set by the committee secretary;
 - 12.1.6. exercise care and diligence in discharging its duties and not act recklessly or dishonestly;
 - 12.1.7. give recommendations, where appropriate, to the Board in relation to applications by practitioners for mutual recognition of an area accreditation in accordance with the Society's Mutual Recognition Policy; and
 - 12.1.8. make recommendations to the Board for the maintenance and advancement of the Scheme and the particular speciality administered by the Advisory Committee.
- 12.2. An Advisory Committee may delegate its duties to:
 - 12.2.1. the committee secretary; or
 - 12.2.2. another person that the Advisory Committee considers is an appropriately qualified person to discharge the duties.

13. Composition

- 13.1. Subject to the discretion of the Board to alter the composition of an Advisory Committee, there shall be a maximum of nine members and a minimum of five members of each Advisory Committee of whom:
 - 13.1.1. at least four shall be legal practitioners holding a current local practising certificate
 - 13.1.2. at least one shall be a senior academic with experience in the design and implementation of educational assessment, and

13.1.3. all shall be Accredited Specialists in the area of practice to which that Committee relates, except where the committee member/s is:

13.1.3.1. an inaugural member;

13.1.3.2. an academic member; or

13.1.3.3. a legal practitioner with at least 10 years post admission experience in the speciality, who holds a current local practising certificate and who is approved by the Board.

The role of an Advisory Committee member is set out at **Attachment 1**.

- 13.2. An Advisory Committee member may only be approved by the Board under clause **13.1.3.3** if the skills and experience of the practitioner are considered by the Board to be comparable to that of an Accredited Specialist.
- 13.3. Advisory Committee members are appointed by the Board for a Term for the applicable Area of Accreditation. An incumbent Advisory Committee member may seek reappointment.
- 13.4. The Board is unlikely to approve reappointment of an Advisory Committee member for more than three consecutive Terms.
- 13.5. Members of the Advisory Committee must hold full membership, associate membership or honorary membership of the Society.
- 13.6. Membership of an Advisory Committee is automatically terminated if a person ceases to be a member of the Society.
- 13.7. A current or retired Advisory Committee member shall not be permitted to sit any assessment set during that member's term of appointment to the Advisory Committee.
- 13.8. In consultation with the committee secretary, the chair of an Advisory Committee will consider changing the membership of the Advisory Committee if:
- 13.8.1. a position on the Advisory Committee falls vacant;
- 13.8.2. the balance or expertise required of the Advisory Committee calls for changes; or
- 13.8.3. expressions of interest in joining the Advisory Committee are received.
- 13.9. In consultation with the committee secretary, the chair must consider whether expressions of interest should be called to identify prospective candidates.
- 13.10. The chair is responsible for considering expressions of interest and making a recommendation to the Board regarding appointment, after consultation with the Advisory Committee members and the committee secretary.
- 13.11. If an Advisory Committee member is the subject of a legal professional disciplinary or criminal charge, then that member may stand down from the Advisory Committee pending resolution of the matter. Membership of the Advisory Committee is automatically terminated if a person is found by a Court or Tribunal to have committed unsatisfactory professional conduct or professional misconduct.
- 13.12. An Advisory Committee member may resign from the Advisory Committee at any time upon written advice to the Advisory Committee's chair, the Board's chair or president.
- 13.13. If:
- 13.13.1. an Advisory Committee member is absent for three consecutive meetings without a leave of absence being granted by the chair; or
- 13.13.2. the chair, upon resolution of the Advisory Committee, determines that the member is otherwise regarded as not being an effective member, then the chair must recommend to the Board that the membership of the Advisory Committee member be terminated.
- 13.14. Membership of the Advisory Committee may be terminated by the Board if the Board considers that an Advisory Committee member has failed to discharge his or her duties under, or acted inconsistently with, the role of an Advisory Committee member as detailed in **Attachment 1** (including breaching confidentiality of Advisory Committee discussions) or otherwise brought the Society or the Advisory Committee into disrepute.

Inaugural Advisory Committee Membership for new areas of specialist accreditation

- 13.15. The Board shall appoint as inaugural members at least four legal practitioners and at least one senior academic who, in the opinion of the Board, have special competence in that area of practice to which the Advisory Committee relates. Only legal practitioners appointed to an inaugural Advisory Committee shall be deemed to be Accredited Specialists during their membership of the Advisory Committee, as and from when the first group of successful candidates have completed the inaugural Program for the specialty area and can claim accreditation subject to clause **17.1**.
- 13.16. The term of an inaugural member of an Advisory Committee is calculated from the date on which the first candidates in that area of practice are accredited. Any time served as an Advisory Committee member before that date is not counted as part of the three sitting years.

14. Chair and Deputy Chair

- 14.1. The chair and deputy chair will be appointed by the Board on recommendation of the Advisory Committee.
- 14.2. The chair and deputy chair will be appointed from the existing members of the Advisory Committee, unless the Board is satisfied that there are extenuating circumstances which justify the appointment of a chair and deputy chair from outside the Advisory Committee.
- 14.3. The principal responsibility of the Advisory Committee's chair is to ensure that the chair fulfils its obligations in accordance with this Charter.
- 14.4. The role of an Advisory Committee chair also includes:
 - 14.4.1. providing leadership to the members of the Advisory Committee;
 - 14.4.2. approving the agenda for Advisory Committee meetings in consultation with the committee secretary;
 - 14.4.3. presiding at Advisory Committee meetings and directing discussions so that there is an effective use of time;
 - 14.4.4. ensuring that all critical issues are decided by vote and resolved promptly;
 - 14.4.5. ensuring that meeting minutes accurately reflect the Advisory Committee's decisions;
 - 14.4.6. promoting an environment of openness, trust, accountability and respect;
 - 14.4.7. ensuring Advisory Committee members abide by program dates as set by the committee secretary;
 - 14.4.8. being the major point of contact between the Advisory Committee and the Board and settle the annual report to the Board;
 - 14.4.9. ensuring Advisory Committee decisions are implemented by the committee secretary or other nominated person;
 - 14.4.10. recommending potential new Advisory Committee members; and
 - 14.4.11. encouraging regular review of the Scheme and implementation of improvements.Further detail on the role of the chair is at **Attachment 2**.
- 14.5. The deputy chair will assist the chair as needed and to chair meetings where the chair of the Advisory Committee is not present.
- 14.6. The term of a chair and a deputy chair is two sitting years, unless otherwise approved by the Board.
- 14.7. During any period of vacancy in the office of chair, the Board may appoint an acting chair from the members of the Advisory Committee until a new chair is appointed by the Board.
- 14.8. An Advisory Committee member may not be chair or deputy chair for a period greater than four sitting years without the approval of the Board.

- 14.9. The chair and deputy chair of the Advisory Committee must be full members of the Society, unless otherwise approved by the Board.
- 14.10. An Advisory Committee member may resign from the Advisory Committee at any time by providing written notification to the chair of the Advisory Committee and the committee secretary. The chair and deputy chair may resign from that office and remain as an Advisory Committee member until their term of office expires.
- 14.11. A chair or deputy chair can be removed from the position by the Board if the Board 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 Advisory Committee into disrepute

15. Meetings

- 15.1. The Advisory Committees will meet as regularly as needed to conduct the business relating to the Scheme.
- 15.2. Where possible, meeting dates for the year are to be set at the start of the year and advised to all members. Meeting dates may be moved or cancelled as required during the year in consultation with the chair.
- 15.3. Committee papers are provided to Advisory Committee members, wherever possible, seven working days prior to the relevant meeting.
- 15.4. It is the Society's policy to encourage the participation of Advisory Committee members in meetings by appropriate means, including by facilitating and encouraging attendance by telephone or electronic or digital means where attendance in person is not possible or inconvenient.
- 15.5. The minimum quorum for an Advisory Committee meeting is three Advisory Committee members. At an Advisory Committee meeting at which a quorum is present, the Advisory Committee may perform the functions and exercise the powers of the Advisory Committee.
- 15.6. Should the chair of the Advisory 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 Advisory Committee present at the meeting have authority to choose one of their number to be chair for the particular meeting.

16. Reporting to the Board

- 16.1. The Advisory Committee will provide an annual report to the Board at the completion of each Program.

Part C: provisions applicable to the Board and Advisory Committees

17. Maintaining accreditation on leaving an inaugural Advisory Committee or the Board

- 17.1. In order to maintain accreditation after leaving the Advisory Committee (or after leaving the Board where appointment to the Board immediately followed membership on an inaugural committee), an inaugural member must pass the Assessment Program within two years (or such longer time as the Board may allow in its discretion).
- 17.2. The Council may waive the requirements of clause 17.1 if the inaugural member establishes, by a submission in writing to the Council, that he or she:
 - 17.2.1. was an inaugural member of an Advisory Committee;
 - 17.2.2. has served on the Advisory Committee for at least one term of office; and
 - 17.2.3. has, in the opinion of the Council, demonstrated in their application that they have significant expertise in the area of practice and have contributed significantly to the functions and role of the Advisory Committee (and if appropriate, the Board).

18. Voting and Decisions of the Board and Advisory Committee

- 18.1. Any matters requiring decision will be decided by a majority of votes of members present or participating.
- 18.2. Each Board or Advisory Committee member present at a meeting has a vote on each question to be decided and, if the votes are equal, the chair, deputy chair or Board or Advisory Committee member presiding has a casting vote.
- 18.3. A decision of an Advisory Committee may be vetoed by the Board, the CEO or the General Manager, if the veto is made in the best interests of the Scheme, candidates, the Board, the Society and its members.

19. Conflicts of interest

- 19.1. If a Board or Advisory 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 Board or Advisory 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 Board or Advisory Committee meeting.
- 19.2. Unless the chair otherwise directs, the interested member must not be present when the Board or Advisory Committee considers the issue or take part in a decision of the Board or Advisory Committee about the issue.
- 19.3. The interested member must not be present when the Board or Advisory Committee is considering whether to excuse them from Board or Advisory Committee discussions on the issue.
- 19.4. If, because of this clause 19, a Board or Advisory Committee member is not present at a meeting for considering or deciding an issue and there would be a quorum if the Board or Advisory Committee member were present, the remaining Board or Advisory Committee members present are a quorum for considering or deciding the issue, so long as there remain at least two members.
- 19.5. Any disclosure of a conflict of interest must be recorded in the minutes of the meeting.

20. Confidentiality

- 20.1. All Board and Advisory Committee members and invited guests are expected to observe strict rules of confidentiality with respect to Board and Advisory Committee business. They must be conscious that from time to time:
 - 20.1.1. they may be asked to consider and comment on highly sensitive documents released to the Society by government and other authorities;
 - 20.1.2. they may be asked to consider draft policy proposals intended for debate within the Board or Advisory Committee which should not be presumed to reflect approved Society policy;
 - 20.1.3. they may have before them information which may affect the reputation and livelihood of practitioners and other members of the community.
- 20.2. 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.
- 20.3. It is the responsibility of all Board and Advisory 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 Board or Advisory Committee. Failure to maintain appropriate confidentiality of Society information and Board and Advisory Committee discussions may result in termination of Board or Advisory Committee membership pursuant to clauses **5.12** and **13.12**.
- 20.4. Failure to maintain appropriate confidentiality of Society information and Board and Advisory Committee discussions may breach section 705 of the *Legal Profession Act 2007* (Qld), which is an offence subject to a maximum penalty of 200 penalty units.
- 20.5. Board and Advisory Committee chairs are encouraged to consider the confidentiality of any discussion or matter at the end of each meeting.

21. Media

- 21.1. The President, or a person nominated by the President, is the primary spokesperson for the Society.
- 21.2. 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.

22. Stakeholder liaison

- 22.1. With the exception of candidates to the Scheme, 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.
- 22.2. The chair, or Board and Advisory Committee members approved by the Board, may liaise with stakeholders on behalf of the Board or Advisory Committee provided they have the Board, Advisory Committee and committee secretary's knowledge and approval.
- 22.3. Any stakeholder liaison by Board or Advisory Committee members in that capacity must be conducted in accordance with the Society's core values of respect, integrity and service.
- 22.4. Any stakeholder liaison undertaken on behalf of the Board or Advisory Committee must be reported back to the Board or Advisory Committee at its next meeting.

23. Guests

- 23.1. The Board or Advisory Committee may have at its meetings regular or ad hoc guests who may bring relevant perspectives and expertise on matters under considerations.
- 23.2. Guests do not have an automatic right of access to the Board or Advisory Committee's papers (which includes agendas and minutes). Access to the Board or Advisory Committee's papers is at the discretion of the committee secretary, in consultation with the chair.
- 23.3. Guests (including Society staff) have no voting rights at meetings.
- 23.4. Council members may attend any Board or Advisory Committee meeting as a guest and have access to the Board or Advisory Committee's papers at the discretion of the relevant chair.

24. Secretariat Duties

- 24.1. A staff member of the Society's Professional Advancement Team will be the committee secretary for the Board and Advisory Committees, and 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.
- 24.2. The committee secretary may delegate the responsibility under this clause to the Specialist Accreditation Co-ordinator or another staff member of the Society as required.
- 24.3. The duties of the committee secretary are the:
 - 24.3.1. co-ordination of all operational aspects of the Scheme;
 - 24.3.2. general managerial oversight of the receipt, review and processing candidate applications for the Scheme;
 - 24.3.3. co-ordination of Board and Advisory Committee meetings and taking of minutes;
 - 24.3.4. all record keeping relating to the Scheme, including maintaining confidentiality;
 - 24.3.5. general managerial oversight of the administration of examinations and other forms of assessment;
 - 24.3.6. general managerial oversight of the co-ordination of marking, moderation and notification of assessment results;
 - 24.3.7. general managerial oversight of responses to enquiries regarding the Scheme;
 - 24.3.8. marketing and promotion of the Scheme;
 - 24.3.9. making of recommendations to the Board and Advisory Committees in respect of candidate-specific issues and in relation to suggested improvements to the operation of the Scheme;
 - 24.3.10. promotion of consistency across specialisation areas and with other Australian jurisdictions;
 - 24.3.11. carrying out the instructions of the Board and Advisory Committees and performance of other duties delegated to the committee secretary by the Board or the Advisory Committees; and
 - 24.3.12. administration of the budget and expenses for the Scheme.

25. Minutes

- 25.1. Minutes must be prepared, approved by the chair and circulated to Board and Advisory Committee members as soon as possible. The minutes must be ratified by the members.

26. Dictionary

- 26.1. **Accredited Specialist** means an Australian Legal Practitioner who has satisfied the qualifying requirements by successfully completing a Program and maintains their accreditation in accordance with the requirements under the Handbook.
- 26.2. **Advisory Committee** is a committee appointed by the Board to administer a Program for an Area of Accreditation.
- 26.3. **Area of Accreditation** means an area of legal practice for which specialist accreditation is available during a Program Year as published on the Society's website (as updated from time to time).
- 26.4. **Associate membership** means a person who:
- (a) is an Australian solicitor and is not an Australian Legal Practitioner; or
 - (b) is a barrister; or
 - (c) has other qualifications or experience that the Council determines are appropriate; and
 - (d) has been conferred associate membership of the Society in accordance with rule 8 of the *Legal Profession (Society) Rules 2007* (Qld).
- 26.5. **Australian Legal Practitioner** means has the same meaning as in the *Legal Profession Act 2007* (Qld).
- 26.6. **Board** means the Society's Specialist Accreditation Board established by the Council and appointed under this Charter.
- 26.7. **CEO** means the Chief Executive Officer of the Society.
- 26.8. **Charter** means this Specialist Accreditation Board and Advisory Committee Charter approved by Counsel and in force during a Program Year.
- 26.9. **Committee secretary** means the person set out in clause 24 of the Charter.
- 26.10. **Council** means the Council of the Society established under the *Legal Profession Act 2007* (Qld).
- 26.11. **Full membership** means a person who:
- (a) is a solicitor; or
 - (b) is an Australian-registered foreign lawyer; or
 - (c) has other qualifications or experience that the Council determines are appropriate; and
 - (d) has been conferred full membership of the Society in accordance with rule 7 of the *Legal Profession (Society) Rules 2007* (Qld).
- 26.12. **Handbook** means the Specialist Accreditation Scheme Handbook approved by Council and in force during a Program Year.
- 26.13. **Honorary membership** means a person who has, in the Council's opinion:
- (a) made a significant contribution to the Society or to the legal profession; or
 - (b) has been a member of the Society for 50 years; and
 - (c) the Council has, by resolution, admitted that person as an honorary member of the Society in accordance with rule 10A of the *Legal Profession (Society) Rules 2007* (Qld).
- 26.14. **General Manager** means the officer of the Society who manages the department in which the Scheme is administered.
- 26.15. **Mutual Recognition Policy** means the Specialist Accreditation Scheme Mutual Recognition Policy (available on the Queensland Law Society website).
- 26.16. **President** means the member elected as the head of the Council in accordance with rule 29 of the *Legal Profession (Society) Rules 2007* (Qld) and acknowledged under section 686 of the *Legal Profession Act 2007* (Qld).
- 26.17. **Professional Advancement Team** means staff employed by the Society to administer the Scheme.

- 26.18. **Program** means a course of assessment for Specialist Accreditation in an Area of Accreditation during a Program Year.
- 26.19. **Program Year** is a calendar year during which a Program is conduct for an Area of Accreditation.
- 26.20. **Scheme** means the Queensland specialist accreditation scheme for Australian Legal Practitioners.
- 26.21. **Society** means the Queensland Law Society Inc as continued in existence pursuant to section 679 of the *Legal Profession Act 2007* (Qld).
- 26.22. **Term** means two Program Years for the relevant Area of Accreditation.

27. Interpretation

- 27.1. Words importing the singular include the plural and vice versa.
- 27.2. Words importing one gender include any other gender.

Attachment 1

Your role as a board or committee member

Overview

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

A board or committee member occupies a position of trust, confidence and influence within the board or 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 board or committee member. These are:

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

Respect

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

1. being polite and courteous in all actions;
2. treating board or 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 board or committee's work.

Integrity

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

1. being accountable to the board or committee and to the Society for your actions as a board or committee member;
2. being honest and fair in your dealings with the board or 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 board or 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 board or 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 board or 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 board or committee member or anyone involved with the Society. The duties under the *Work Health and Safety Act 2011* apply to all board or 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 board or committee duties, exercising skill, care and diligence.

Board or committee members should:	Board or 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 board or 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

Attachment 2

Your role as board or committee chair

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

Responsibilities

1. Accept and support the committee charter.
2. Plan meetings and agendas in collaboration with the Society's staff member assigned to support the board and committee (committee secretary / Specialist Accreditation Executive).
3. Attend all meetings and maintain awareness of board or committee work between meetings.
4. Ensure meetings are efficiently and effectively administered to achieve board or committee objectives.
5. Manage membership of the board or committee with an emphasis on:
 - a. including as many interested Society members as possible;
 - b. promoting participation of regional, rural and remote practitioners;
 - c. engaging with early career practitioners to support their development into the future leaders of the profession;
 - d. facilitating the regular introduction of new ideas; and
 - e. considering candidates':
 - i. willingness and desire to contribute to the work of the board or committee;
 - ii. recognised standing and expertise in the profession; and
 - iii. recognised contribution to the profession.
6. Maintain records of board or committee work with the assistance of the Society's staff member assigned to support the board and committee (committee secretary/Specialist Accreditation Executive).
7. Facilitate board or committee members' active participation and decision-making.
8. Resolve board or committee member issues and complaints wherever possible.
9. Ensure that the board or committee reports to Council in accordance with the charter.
10. Lead self-assessment of board or committee performance.
11. Encourage the board or committee to appoint a deputy chair and ensure the deputy chair supports and supplements the chair as necessary.
12. Plan for your successor.
13. 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 board or 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 board or 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 board or 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 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