



THE LAW SOCIETY
OF NEW SOUTH WALES

Committee Handbook

**Committee administration
and responsibilities of members**

Revised August 2011



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Introduction



The Law Society's committees are committees of the Council with powers, authorities and tasks delegated by the Council. They are established as a source of expert advice and assistance to Council, the Society and the profession and are convened annually on the basis of need. Functions vary somewhat from committee to committee but, typically, are as follows:

- a source of policy proposals and reform initiatives;
- a forum for consideration of practical issues and resolution of problems;
- a review body and commentator (in relation to legislation, discussion papers, reports, etc);
- a monitor of practice standards and advocate of ongoing training and skills development;
- a liaison body.

Committees have an important role and the way in which they perform is integral to the professionalism of Council's decision making and the performance of the Society as a whole. Members' participation is critical to the success of committees and is therefore welcomed. (In order to facilitate participation by country-based members, the Law Society offers assistance with travel costs incurred – refer protocol at Appendix 1.)

Committees address a range of issues and can be broadly divided into three categories:

- Policy committees – for example: Business Law
Family Issues
- Liaison committees – for example: Office of State Revenue/Law Society Liaison
- Regulatory committees – for example: Fidelity Fund Management
Licensing
Professional Conduct

(Task forces or working groups are also convened where there are finite tasks to be undertaken or where there is an agenda which does not necessarily require the ongoing support of a committee.)

The Society ensures that the effectiveness of its committee network is maintained by

1. an annual assessment of the relevance of existing committees and the need for new committees;
2. providing committees with a balance of necessary skills and knowledge and a dynamic membership;
3. ensuring that committees are manageable in terms of numbers;
4. maximising profession-wide awareness of and interest in the committees and their role;
5. having a membership broadly representative of the Society's constituent groups and of relevant outside bodies; and
6. requiring that committees prepare papers in accordance with quality principles.

Appointment to Committees

Committee appointments are made annually. The process is governed by guidelines based on principles of effectiveness, equal opportunity and affirmative action, and takes account of statutory requirements.

1. Eligibility

- 1.1 All NSW solicitors with current practising certificates are eligible for appointment to two of the Law Society's statutory committees – viz, the Licensing and Professional Conduct Committees.
- 1.2 Solicitor appointments to other committees, including the Fidelity Fund Management Committee, are restricted to members of the Law Society of NSW.
- 1.3 Lay (non-lawyer) applicants with the requisite skills are eligible for appointment to most Law Society committees.

2. Recruitment

(Dates are indicative only)

- 2.1 In September each year, the Society invites expressions of interest in the committees via a notice to the profession included in *Monday Briefs* and published on the Law Society website. All interested practitioners, including current committee members, are asked to complete a one-page form and to provide brief details pertinent to their eligibility for the appointments sought.
- 2.2 Expressions of interest in appointment are also sought from non-lawyers (persons who have not been admitted) whose participation in the work of the committees may be required under the *Legal Profession Act*.

3. Selection process

(Dates are indicative only)

- 3.1 During November, an ad hoc selection panel is convened and chaired by the President Elect. It comprises at least two other Councillors nominated by the President Elect and two members of staff.
- 3.2 When making its selections, the panel takes account, as far as is feasible, of balance on the committee in terms of relevant expertise, representation of the Society's constituent groups and outside organisations, and gender.
- 3.3 Members are advised of the outcome of their applications during December.

4. MCLE Units

- 4.1 Refer paragraph 42.5: MCLE Rules, Mandatory Continuing Legal Education Information Package, Law Society website (<http://www.lawsociety.com.au/idc/groups/public/documents/internetregistry/008657.pdf>)

"42.5 42.5.1 A practitioner who is a member of a committee or Task Force of the Council of the Law Society, of the Executive Council of NSW Young Lawyers, of the Law Council of Australia, or a practice section of a professional association (which deals with substantive issues) and gives reasonable attendance at its meetings, is entitled to claim one (1) MCLE unit to a maximum of three (3) MCLE units for each period of two hours or more engaged in committee work, which is of substantial significance to the practice of law and is reasonable likely to assist the practitioner's professional development.

42.5.2 A practitioner cannot claim entitlement under this paragraph in respect of committee work for which the practitioner has claimed or intends to claim entitlement for CLE units under paragraphs 42.3 or 42.4.”



5. Chair

5.1 Where possible, each committee is chaired by a Councillor. This provides a direct link between the committee and the Council.

6. Period of appointment

- 6.1 Committee members are appointed or reappointed for one calendar year.
- 6.2 Reappointment is not automatic. It depends on a number of factors including the member's contribution to the work of the committee (see "Responsibilities of Committee Members", p.7).
- 6.3 In order to allow as many interested Society members as possible to serve on committees and to facilitate the regular introduction of new ideas, tenure is generally limited to a maximum of three consecutive years.
- 6.4 The selection panel must be satisfied that reappointment of a member beyond a three-year tenure is justified.

7. Termination of appointment

- 7.1 A member is free to resign his/her committee appointment at any time. (See also clause 7, "Responsibilities of Committee Members".)
- 7.2 In the absence of extenuating circumstances, a member's appointment can be terminated by the President if he/she has failed to attend three meetings and/or is regularly unable to complete allocated tasks (see clause 3.2, "Responsibilities of Committee Chairs", p.7).
- 7.3 A committee member's appointment will be terminated by the President if his/her practising certificate is cancelled or suspended as a consequence of a regulatory issue.

8. Committee membership

- 8.1 In addition to members selected from the legal profession, committees may include representatives of outside bodies such as the Attorney General's Department, the College of Law, the courts, other professional associations and so on. This provides committees with a range of relevant perspectives and expertise on matters under consideration.
- 8.2 A number of committees also have lay members appointed from among those who have expressed interest.

9. Committee vacancies

- 9.1 Approximately 25 standing committees of the Council are convened each year and current guidelines set a maximum of 12 to 14 as the optimum committee membership. Although this is varied in accordance with need, vacancies are limited and the number of applications always greatly exceeds available places.
- 9.2 Vacancies occur as a result of resignations as well as the Law Society's turnover policy.
- 9.3 Casual vacancies are filled by suitable applicants who were not appointed due to lack of vacancies at the time of application.

Committee Meetings

1. Most Law Society committees meet monthly or bimonthly. Some meet more often (for example, the Professional Conduct Committee meets fortnightly), and others less often.
2. Meeting schedules for the year are settled during January and circulated to members.
3. Meetings are held at the Law Society's premises, 170 Phillip Street, Sydney, generally between 12.00 noon and 2.00 pm if possible, or outside business hours.
4. Duration of meetings is approximately 1.1/2 hours.
5. The quorum for all committee meetings is three. In the case of statutory committees, there are particular requirements under the *Legal Profession Act* regarding membership and meetings.

The following sections on responsibilities provide additional information in relation to administrative matters associated with committee meetings.

Responsibilities - General

1. Confidentiality

- 1.1 All committee members are expected to observe strict rules of confidentiality with respect to committee business. They must be conscious that from time to time
 - they may be asked to consider and comment on highly sensitive documents released to the Society by government and other authorities;
 - they may also be asked to consider draft policy proposals intended for debate within the committee which should not be presumed to reflect approved Law Society policy;
 - they may have before them information which may affect the reputation and livelihood of solicitors and other members of the community.
- 1.2 Any breach of confidentiality could materially affect individuals; or damage the trust which exists between the Law Society and a number of institutions and organisations; or create false impressions about Law Society policy. It is therefore the responsibility of all committee members to maintain the security of business papers with which they have been provided and to treat as strictly confidential any information to which his or her membership of a Society committee has provided access.

2. Powers and authorities

- 2.1 The powers and authorities of the Society's committees are delegated by the Council. It is the responsibility of all committee Chairs and members to act within the parameters of these delegated powers and authorities.



3. Media

- 3.1 Only the President and the Chief Executive Officer are authorised to speak to the media on behalf of the Law Society. If speaking to the media, committee members must not imply or allow it to be inferred that they are speaking on behalf of the Law Society or its committees. The only exception to this is if they have the specific authority of the President or the CEO to do so.
- 3.2 Any enquiries concerning the Law Society that are raised with committee members directly should be directed in the first instance to the Society's Media Adviser on 02 9926 0288.

4. Tasks

- 4.1 Committees' primary responsibilities for the year are tasks determined by the needs of Council. Some tasks are included in the directives approved by Council in February each year and others arise during the year.

5. Participation in the work of the committees

- 5.1 Membership of the Society's committees is voluntary and unpaid. However, the value of committees' contribution to the profession is a product of members' commitment to the tasks at hand.

6. Copyright

- 6.1 The Law Society will be the sole and exclusive owner throughout the world in perpetuity of all materials, including all papers and recordings and including all intellectual property rights in such materials, prepared for it by committee members as part of their committee responsibilities including for the following purposes:
- to reproduce such materials; and
 - to commercially exploit such materials, including by way of sale or hire.
- 6.2 Committee members will sign any documents which the Law Society may request to confirm the assignment to the Law Society of copyright in the materials.

7. Quality principles

The purpose of this guideline is to ensure that documents to be submitted to Council or to outside bodies are of the highest quality and in accordance with the Law Society's commitment to quality principles. Adherence to this guideline is the shared responsibility of committee Chairs, members and administration personnel.

7.1 Content

Reports and submissions to Council should clearly and concisely

- set out the recommendations (ensuring where possible that the resolution is in plain English);
- summarise the background and context in which the report should be considered, by reference if necessary to
 - the Government's legislative program (State or Federal);
 - other policy or program work under way or planned for the Law Society;
 - the work of other policy organisations such as the Law Reform Commissions;
- describe the significant issues which inform the matter;

- describe the ramifications of adopting the policy/rule etc, such as
 - the effect on the management and cost of practising law;
 - the effect on particular segments of the profession (eg. country solicitors, small practices);
 - the impact on clients (the general community);
- describe the rationale for the Committee's/Officer's recommendations, including a brief summary of options which were considered and discarded;
- describe the details of any consultation with other areas/committees in the Law Society and the outcome of that consultation;
- set out any financial implications for the Law Society including
 - a statement about whether any anticipated expenditure has been included in the budget;
 - a timetable for expenditure (if the project is a long one and may appear in two financial years);
- describe any follow up action which should be taken, such as
 - visits by the President or other Councillors to Government Ministers;
 - notice to the profession (including *Journal* articles).

7.2 Timeframe

Lengthy or complex papers to Council should be prepared in time for circulation to Councillors with the first drop of Council meeting business papers.

7.3 Form

A report to Council should be in the approved form set out in this Handbook (see Appendix 2).

7.4 Reporting responsibilities

Each committee is to report monthly to Council.

Responsibilities of Committee Chairs

The Chairs of the committees are accountable to the Council for the output of those committees. It is the responsibility of the Chair to ensure that procedures to assist the efficiency and productivity of his or her committee are put in place and monitored. These should include the following:

1. Objectives and annual program

- 1.1 These should comprise viable objectives, the achievement of which is capable of measurement. Once established, a committee's objectives generally remain unchanged from year to year.
- 1.2 The committee's program for the year comprises the means via which it meets those objectives and includes tasks determined by Council.
- 1.3 This combined document is to be settled by the committee Chair in consultation the President if necessary and/or with the responsible staff officer and submitted to the Council for approval at its February meeting as part of its directives to committees.



2. List of the committee's tasks

- 2.1 This should take account of
- the terms of the delegation given by the Council to the committee;
 - the tasks allocated in the Society's strategic plan;
 - definition of other tasks arising from the Society's day to day activities;
 - development of tasks in the context of the committee's objectives.
- 2.2 Include a task timetable, where this is feasible.
- 2.3 Allocate tasks and completion dates to individual committee members and the committee's responsible staff officer as appropriate, taking into account the responsibilities and/or expertise of these personnel.

3. Measures of performance

- 3.1 Measures for evaluating the committee's achievements – such as completion of timetabled tasks, development and progress of committee agenda, and implementation of objectives.
- 3.2 Measures for assessing the performance of the responsible staff officer and committee members - such as meeting set deadlines, record of attendance at meetings and general contribution to the work of the committee.
- Any problems with respect to the work of the responsible staff officer which the Chair cannot resolve should be raised with the Chief Executive Officer.
 - The President's approval can be sought to replace a committee member who is regularly unable to attend meetings and/or complete allocated tasks.

4. Meeting procedures

- 4.1 Commence meetings promptly at the scheduled times.
- 4.2 Allow committee members' views to be heard to the fullest extent possible.
- 4.3 Give clear directions to the responsible staff officer in relation to resolutions adopted.

Responsibilities of Committee Members

It is the responsibility of Committee appointees: -

1. to inform themselves fully of the committee's mission/objectives, its tasks and agenda issues;
2. to be in a position to devote approximately one day per month to the work of their committees;
3. to attend meetings regularly or, if absence from a meeting is unavoidable, to inform the responsible staff officer in advance of their inability to attend;
4. to come to meetings well prepared with respect to agenda issues;
5. to participate fully in decision making through the expression of their considered views on the matter being discussed; by exercising where relevant the right of all individual members to cast his or her vote on those matters put to the vote in committee;

6. to inform the Chair of a conflict of interest or potential conflict of interest that may occur where personal interests or those of the appointee's firm could affect or be seen to affect the appointee's recommendations or decisions;
7. to undertake tasks requested by the Chair and/or the responsible staff officer, especially - although not exclusively - in areas in which the member has particular expertise, and to meet the agreed deadlines for completion of those tasks. From time to time members are asked to prepare submissions and comments at short notice;
8. to offer his or her resignation from the committee should he or she be consistently unable to meet these responsibilities due to work or other commitments. (Members who are absent for three meetings or more without a leave of absence may be invited to resign.)

Responsibilities of Staff Officers

1. Committee administration personnel

- 1.1 The staff member responsible for the work of a committee may be either a solicitor or a non-solicitor with legal policy and research experience.
- 1.2 On some committees, responsibilities are shared between these officers and other support staff.

2. Responsibilities

- 2.1 The responsibilities of these personnel are -
 - to perform secretariat duties for their committees;
 - to raise issues for the committee's consideration;
 - to undertake appropriate research;
 - to prepare draft recommendations, proposals and submissions for the committee's consideration;
 - to undertake other tasks as directed by the Chair.

3. Tasks

3.1 Contributions to the committee's agenda

- Keep abreast of developments of interest to the committee through, for example
 - liaison with staff of other committees, political staff and bureaucrats, relevant outside bodies and individuals;
 - perusal of material received by the Society;
 - current knowledge of Society policy issues;
 - research.
- Include relevant issues on the committee's agenda.

3.2 Facilitating committee discussion and decision making

- Provide a focus for committee discussions by
 - developing views on matters to be discussed;



- preparing executive summaries of lengthy documents;
- drawing to the committee’s notice aspects of reports, etc which require particular attention;
- drafting recommendations in the form considered appropriate (letters, reports, proposals, etc) where a Society response is required.

3.3 Meeting arrangements

- Establish meeting dates, times and venues for the new year before the end of December if at all possible and circulate schedules to all committee members as soon as practicable.

3.4 Agendas and business papers

- Develop agendas and prepare and assemble papers for each meeting
 - the extent of consultation with the committee Chair on this task is the choice of individual Chairs;
 - agendas must be manageable in terms of length;
 - preparation time must make allowance for the schedules of the Society’s print room and mail room.
- Dispatch reminder notice and agenda papers seven days prior to the meeting date
 - late dispatch of papers and faxing and tabling of papers are to be avoided.

3.5 Meeting minutes

- Take and transcribe minutes of the meetings in accordance with the attached format (Appendix 2 – available as an Oracle template)
 - the essential content of minutes comprises resolutions passed and brief background to these resolutions;
 - include under “recommendations to Council” only a reference to the agenda item name and number – committees are required to seek Council resolutions in separate memoranda (see Appendix 3 – available as a TrackFile template).
- Circulate minutes with the papers for the next meeting for confirmation and signing by the Chair.

3.6 Circulation of agendas, business papers and minutes

These are circulated to -

- the committee Chair and all committee members
- any other designated members of staff

3.7 Action arising from meetings

- Prepare an action sheet within 24 hours of meeting and circulate to all concerned.
- Take action for which the staff member is responsible, including preparation of memoranda to Council and other tasks allocated by the committee Chair.

3.8 Memoranda to Council and submissions to outside bodies

- Prepare memoranda and submissions in accordance with quality principles (see clause 7, pp.5-6).
- Memoranda to Council are to be in the attached form (Appendix 3) and a separate memorandum is to be prepared for each topic.
- Forward memoranda to the Principal Executive Assistant for inclusion on the Council agenda in accordance with the schedule of Council meeting dates and due dates for papers published on the intranet.

Travel Assistance for Country Based Committee Members

Conditions and calculation of assistance

1. The travel assistance offered to country based committee members in a calendar year is based on either
 - a road travel allowance x 11 (the number of meetings scheduled annually for the majority of committees),¹
 - or
 - six refundable return economy air fares from the member's regional centre, whichever is the lesser.²
2. The road travel allowance per meeting is 58c per km for the return road distance between Sydney city centre and the member's country centre (as shown on the website www.wheremis.com.au).
3. The air fares are either Qantas "flexi saver", Rex "RexBiz" or Virgin fares advertised on the internet for travel during January each year.³
4. Additional assistance capped at \$150 per night is offered in respect of accommodation costs subject to the following conditions:
 - the member is domiciled more than 150 km outside Sydney and has travelled by either rail or air to the committee meeting;
 - return rail or air travel is not available due to the late conclusion of the committee meeting;
 - when the meeting schedules are circulated, the member advises Mrs Marcelle Drinkwater at the Law Society that he/she is likely to claim assistance for accommodation during the year.
5. Teleconferencing (for example, in the case of Rural Issues Committee meetings) will be utilised where feasible.

Claiming assistance

6. Claims can be made on either a per trip or a per annum basis and the total travel assistance paid is capped at the amount advised at the beginning of the calendar year. (Per trip claims are preferred.)
7. Claims are to be forwarded to Mrs Marcelle Drinkwater and must state the name of the committee and the dates of the meetings against which travel assistance is being claimed.
8. For car allowance claims, no additional information is required.
9. For air travel and accommodation claims, tax invoices must be provided with each claim to allow the Law Society to claim input tax credits, together with receipts where necessary to validate claims made. Practitioners may either
 - submit a bill as individuals to the Law Society (if the practitioner has personally incurred the air fare)
 - or
 - submit the firm's tax invoice (if the travel costs are incurred by a firm).

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1. This is adjusted in the case of the Professional Conduct Committee which meets fortnightly and for other committees which meet less often.
 2. This formula is used as a convenient means of establishing the level of assistance to be offered. It is acknowledged that road travel is not necessarily a feasible option and members are free to use their allowance for any means of travel, including air or rail travel.
 3. These fare structures offer a degree of flexibility but with some conditions. A range of cheaper fares is always available and, if utilised, travel to the year's scheduled meetings can be fully covered by the travel assistance provided.



APPENDIX 2:

Minutes - Standard Format

Minutes of a Meeting of the Committee, held on at am/pm,
Committee Room-...., Level, The Law Society Premises, 170 Phillip Street, Sydney

PRESENT:

APOLOGIES:

LEAVE OF ABSENCE:

IN ATTENDANCE:

BY INVITATION:

MINUTES

(The Minutes of the meeting of the Committee held on ..., having previously been circulated, were taken as read and confirmed.)

THE FOLLOWING ITEMS ARE RECOMMENDATIONS TO COUNCIL

THE FOLLOWING ITEMS ARE DRAWN TO COUNCIL'S ATTENTION

MATTERS ARISING OUT OF MINUTES

OTHER MATTERS

1. (Sub-Heading)

(General text)

RESOLVED ...

GENERAL BUSINESS

MATTERS DRAWN TO THE ATTENTION OF JOURNAL EDITOR OR MEDIA OFFICER

NEXT MEETING

The next meeting of the ... Committee will be held on ... at ... am/pm.

Confirmed

Chairman:

Date:

Memorandum to Council - Standard Format

MEMORANDUM TO COUNCIL

TOPIC:

FROM: (Committee/Task Force/Other)

DATE:.....

Objective(s) and time limits

(e.g. to inform government of the Law Society's position on the proposed
legislation; or to seek amendment of the *Legal Profession Act 1987* for the purposes
of; etc)

Resolution(s) sought

Background

Existing Society policy

(e.g. international practice guidelines adopted by Council on (date))

Associated policy areas

(e.g. Aboriginal justice; or consumer rights; etc)

Overview/summary of issues

(i.e. main issues addressed by the submission/letter/report - in point form)

Financial implications

Public Relations Implications/PR Action Required

(eg. nil or positive or negative implications for image of Society and/or profession; or
initiative should be promoted by way of media release; or no public comment to be
volunteered but briefing paper should be prepared in case comment sought; etc)

Attachments

Person responsible for action required to execute resolution

Inclusion in Law Society Journal or Caveat

(Yes/no)

Inclusion in Law Society policy manual

(Yes/no)

(Signature)

(Responsible Legal/Administrative Officer for Committee)