



**THE LAW  
SOCIETY**  
OF TASMANIA

*Committee Charter*

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# Law Society of Tasmania

## Committee Charter

### Commencement

This Charter was by special resolution approved by Council of the Law Society of Tasmania at the meeting of 31 January 2013 and is effective from 1 April 2014

### A. Introduction and Summary: The Society's Committees

#### The Executive Committee

Under section 623 of the *Legal Profession Act 2007* there is established an Executive Committee of Council. This committee consists of such members and convenes and conducts itself in the manner prescribed by by-laws made by Council.

#### Other Committees

The Society establishes committees as a source of expert advice and support to the Society and the profession, and to assist the Society to accomplish policy, regulatory and functional responsibilities as prescribed by governing legislation and/or objects of the Society as may be set out in Council-approved strategic plans and other milestone statements.

Committees are convened annually on the basis of need and typically fall into one of two categories:

1. governance and regulatory; and
2. legal policy, advisory and functional (standing and ad hoc committees).

Membership of a committee is a voluntary and honorary role which is to bring necessary skills and knowledge to the committee. Committees have an important role and the way in which they perform is integral to Council's decision making and the performance of the Society as a whole. Members' participation is critical to the success of committees.

#### Committee Formation Overview

Committees are formed under general resolution of Council and consist of dedicated volunteers who pool together their specialist skills and experience to perform the above broadly defined functions. Unless authorised otherwise by special resolution of Council, Committees comprise no more than 10 members. Task forces or working groups are convened from time to time throughout the Committee Year (by Committees or Council) 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 Committee Year formally commences on 1 April and ends on 31 March ('Committee Year').

Standing and Ad Hoc committees subject to this Charter are listed in **Schedule 1**.

Prior to the commencement of a new Committee Year the Society issues an invitation for expressions of interest to all Society members electronically via its Weekly Update publication (also published on its website). All interested persons, including current committee members must complete an **Expression of Interest Form - Committee Membership (Schedule 2)** which will accompany the invitation and return it within the period specified by the Society. A copy of the Committees Charter is also to accompany the invitation. The Society's selection process will ordinarily take place in the first week of March annually. Committee composition/new membership will be formally announced by the Society in the final week of March and Committees are required to convene thereafter according to the schedule of meetings adopted by Council and made available by the Society. Please see further under **Selection Process** below.

Any Expression of Interest submitted **after** the time specified will be logged onto a Society register (regardless of the time of the year that it is submitted). The register must be consulted in the event an opening occurs within a Committee. See further under **Committee Composition and Vacancies** below.

This Charter, including Schedules 1 and 2, are to be reviewed (and updated as necessary) by Council on an annual basis and no less than 14 days prior to the Society's issue of its invitation for expressions of interest for the new Committee Year.

Despite the foregoing general sequence of events for the formation of Committees, Council may determine to form new standing or Ad Hoc committees at any time of the Committee Year, according to its needs and requirements arising. If this occurs, the Society will, at the direction of Council, publish invitations for expressions of interest via its Weekly Update and via its website and will provide a reasonable response period. Selection will occur in the manner prescribed by Council.

### **Committee Functions and Powers Overview**

Functions vary somewhat from committee to committee, but typically committees are:

- 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
- An advocate and instigator of continual professional development opportunities for members of the Tasmanian legal profession
- A liaison body (members, government agencies, other external organisations etc)

The Society's committees have those powers, authorities and tasks as outlined in this Charter or as are from time to time delegated by Council (or the Executive Committee under its delegated authority, refer section 626 *Legal Profession Act 2007*).

### **Meetings**

Meetings are held at the Society's premises at 28 Murray Street, Hobart, Tasmania. Remotely located participating members attend via teleconference or videoconference hook-up.

Committees are encouraged to meet at least once a month, although some Committees meet biannually. Committees wishing to alter the meeting schedule adopted by Council should do so in consultation with the Executive Director or Deputy Executive Director, having regard to available resources at the Society and availability of rooms for the proposed new times and/or dates.

### **Support and Recognition**

Committees are provided with administrative support by the Society. This includes typing and photocopying services. Light catering is supplied at all Committee meetings and a Christmas restaurant luncheon or dinner is provided annually by the Society to its committee members.

At the end of each year of Active Service (please see further below) a *Certificate of Service* is supplied by the Society to committee members in recognition of members' services. Committee members are also listed and acknowledged for their positions and contributions via the Society's website. At the opening of the legal year the Society will present a Committee Award, further details of which can be obtained from the Society.

Regular attendance at meetings and participation as a member of a committee is a recognised CPD activity under the Law Society of Tasmania's Mandatory Continuing Professional Development Scheme. Members are referred in this regard to the Society's Practice Guideline 4, sub-rules 2.4(e) and 3.3 (<http://lst.org.au/practice-resources/practice-directions/>).

## **Binding Nature of Charter**

Prior to submitting an Expression of Interest, a Society member must read this Charter. Notice of this requirement is to be included in the Society's invitation to nominate or in the Expression of Interest Form (also available on the Society's website). Those persons nominated are deemed to agree to abide by and uphold the Charter throughout the term of their committee membership. The confidentiality provisions of the Charter are enduring.

This Charter applies to the committees listed in Schedule 1.

## **B. Roles**

### **The Role of Council**

The role of Council is to:

1. Conduct an annual assessment of the relevance of the existing committees and the need for new committees.
2. Ensure that committees maintain a balance of necessary skills and knowledge and a dynamic membership.
3. Ensure so far as reasonably possible that committees comprise a balance of experienced practitioners to provide leadership, and early career practitioners equipped to participate and develop into leaders.
4. Ensure that committees are manageable in terms of numbers and workload.
5. Maximise profession-wide awareness of, and interest in, the committees and their role.
6. Ensure that committee membership is broadly representative of the Society's membership.
7. Encourage committees to foster new leaders of the profession and facilitate the regular introduction of new ideas.
8. Set terms of reference as appropriate.
9. Receive and consider requests for the establishment of new committees or the re-establishment of previously operational but now defunct committees.
10. Receive and consider requests for funding from committees for specific initiatives.
11. Receive and give due weight and consideration to the advice of committees.
12. Notify committees in person by a representative member, or in writing, of any decisions made within a reasonable time.
13. Receive and give due consideration to activity reports submitted by committees in accordance with their obligations under this Charter.
14. Any other such roles as nominated by majority resolution of Council.

In carrying out the above functions, Council may consult widely at its discretion. Any of the above functions, except numbered paragraphs 9, 10 and 11, may be delegated by Council to the Executive Committee, the President, the Selection Panel (please refer further below under Appointment to Committees – Selection Process), or other persons as it sees fit.

### **The Role of the Committees**

Committee members should be able to allocate at least one day per month towards the activities of their committee.

The role of the committees is to:

1. Assist and provide advice or report to Council in connection with their areas of expertise.
2. Develop policy for proposed implementation and referral to Council.
3. Draft policy submissions to Government and other organisations commenting on policy/legislative initiatives and reports by Government and other relevant authorities as directed by Council, the President, the Executive Director or of their own volition.
4. Draw attention to law and justice issues generally and seek appropriate legislative and/or policy amendment.
5. Upon circulation of meeting Minutes and Agendas by the Society, promptly read the same and notify the Society of any amendments or additions sought.
6. Upon circulation of Agendas by the Society, promptly, as a matter of good courtesy, notify it of apologies (each member to report via email to [info@lst.org.au](mailto:info@lst.org.au), cc'ing in their Chair, to enable the Society and/or

Chair to determine whether quorum requirements are likely to be met; this also assists the Society to determine catering requirements).

7. Attend to tasks determined by the needs of Council [some tasks are included in directives approved by Council at the beginning of the Committee Year and others arise during the year].
8. Foster and promote thought-leadership and the generation of new ideas within committees and the profession generally.
9. Where appropriate, identify and seek assistance from other members of the Society who can provide assistance to the Committee about specific issues.
10. Keep Council informed of significant current or anticipated developments which could affect the legal profession.
11. Provide a forum for consideration of practical problems being experienced by members of the Society and as a source of information on various issues for dissemination to members.
12. Recommend to Council that certain preventive strategies or management systems be recommended to firms and practitioners to address any practical problems being faced by members.
13. Develop awareness-raising initiatives in relation to legislative reform and practical problems experience by members.
14. Initiate or request consultation with members or issues affecting the profession.
15. Be responsible for the identification of topics and presenters of CPD seminars within their area of expertise.
16. Contribute actively to the Society's mandatory CPD scheme by arranging, with the administrative assistance of the Society as necessary, no less than 4 points worth of CPD events per CPD year (members are referred to Practice Guideline 4 of the Law Society of Tasmania). [Committees shall be supplied each meeting with a current Society calendar of events to facilitate the nomination of suitable CPD event dates and times and to ensure no clashes occur between events.]
17. Draft, or cause to be drafted by other members of the Society, no less than 2 articles on current issues within their areas of expertise for publication through the Society's media (e.g. the Law Letter).
18. Present in writing, or by a nominated committee representative in person, an activity report to Council on a quarterly basis commencing from 30 June 2014. The activity report should summarise the committee's activities and accomplishments (and/or new objectives) and should address each of the above numbered paragraphs so far as is possible / relevant.
19. Any other such roles as nominated by the committee by majority resolution, subject to approval of Council.

#### **The Role of the Executive Director with Committees**

1. The Executive Director is intended to be the bridge between the committees and Council on strategic and operational issues, as well as playing an integral role in facilitating good membership composition and recruitment among the committees.
2. The Executive Director (or Deputy Executive Director) participates in each committee meeting, reporting as required to Council.
3. Unless agreed otherwise, the Executive Director (or Deputy Executive Director) and/or Society-designated support personnel will prepare and circulate to members electronically a Meeting Agenda (and any associated papers) no less than one week prior to the committee's next scheduled meeting.
4. Unless agreed otherwise, the attending Executive Director or Deputy Executive Director will record and prepare the minutes of each meeting for the Committee and should electronically circulate the same to committee members as soon as is practicable.
5. Action Sheets are useful directive summaries for members following a meeting. They facilitate progress and action on new, important and/or ongoing committee member activities occurring outside of session. Pro forma Action Sheets are to be supplied to committees by the attending Executive Director or Deputy Executive Director at the beginning of each meeting for pen completion by the Chair to enable early distribution. This must be given to the Society Executive or support personnel for circulation to committee members within one week of the closure of the meeting.
6. The Executive Director (or Deputy Executive Director) settles and signs all correspondence on behalf of the Society coming from committee recommendations.
7. The Executive Director (or Deputy Executive Director by delegation) seeks advice from the Executive Committee as determined by the Executive Director in relation to issues that he or she believes ought be considered by the Executive Committee and/or Council.

8. The Executive Director (or Deputy Executive Director by delegation) may obtain advice from relevant committees in the execution of regulatory functions.

## **C. Appointment to Committees**

### **1. Eligibility**

- 1.1 All Tasmanian members of the Society holding practicing certificates (or deemed to hold practicing certificates under the *Legal Profession Act 2007*) are eligible for appointment to the Society's committees.
- 1.2 Other members of the Society with the requisite skills are eligible for appointment to most committees.

### **2. Committee Composition and Vacancy Guidelines**

- 2.1 Committees should comprise no more than 10 members, in the interests of efficiency.
- 2.2 A law firm should not be over-represented on any committee.
- 2.3 Each Committee is presided over by a Chair (ordinarily nominated by the Selection Panel, please see further below) whose role includes ensuring that meetings are conducted in an orderly and productive manner having regard at all times to the functions of the committee as outlined herein; responding promptly to requests and enquiries of the Society's Council or Executive; checking draft minutes upon receipt of the same post meeting from the attending Executive member; and leading committees in their activities.
- 2.4 At least one member from Council should be on each committee.
- 2.5 If a committee lacks a Council member it should in the first instance and by its Chair write to Council seeking nomination and attendance. Where a committee cannot secure Council member participation it should nominate by majority resolution an Internal Communications Officer (representative before Council).
- 2.6 Casual and permanent vacancies occurring prior to the end of the Committee Year can be filled by suitable applicants who were not appointed due to lack of vacancies at the time of application or who are otherwise on the Society's register of interest, or by new nominees responding to an interim call for expressions of interest by the Society. Applications for Committee membership are referred to and determined by the Council's Selection Panel which convenes on an ad hoc basis.

### **3. Recruitment and Period of Appointment**

- 3.1 Committee members are appointed or reappointed for one Committee Year.
- 3.2 Prior to the commencement of a Committee Year the Society will invite applications (referred to herein as expressions of interest) via notice to the profession included in its Weekly Update and published on the Society website. All interested practitioners, including current committee members must complete an 'Expressions of Interest – Committee Membership' form (Schedule 2) and return it within the period specified by the Society's invitation.
- 3.3 Expressions of interest in appointment may also be sought by the Society from non-lawyer persons who have particular skills and expertise and whose participation in the work of the committee may be useful or beneficial to the Committee.
- 3.4 Any Expression of Interest submitted **after** the time specified will be logged onto a Society register (regardless of the time of the year that it is submitted). The register must be consulted in the event an opening occurs within a Committee.

### **4. Selection Process**

- 4.1 In the first week of March a Selection Panel comprising the President (Chair), Vice President and a non-executive councillor, rotated annually and supported by Society staff, will convene to carry out the selection process.
- 4.2 When making its selections, the Panel will take into account the matters set out in Section C.2 above. It will also take into account so as far as is feasible, the balance on the committee in terms of relevant expertise and representation of the legal profession as a whole, and gender.
- 4.3 The Panel may seek the advice of the Executive Director, Deputy Executive Director or the relevant committee with regard to any expressions of interest.



- 4.4 Selections are submitted to Council for formal appointment and members are advised of the outcome of their applications during the third week of March. Unsuccessful applicants will be placed onto the Society's register of interest.
- 4.5 The Selection Panel may reconvene on an ad hoc basis during the Committee Year for the determination of new member appointments where vacancies arise.

## **5. Chair**

- 5.1 The position of Chair will be offered and appointed by the Selection Panel. The best candidate for the position of Chair will be selected whether he/she is a Councillor or non-Councillor. Where a non-Councillor is appointed Chair, a Councillor is appointed a member of the Committee.
- 5.2 The Panel may seek the advice of the Executive Director, Deputy Executive Director or the relevant committee with regard to Chair selection and appointments.

## **6. Chair Responsibilities**

- 6.1 Consistent with this Charter and Society functions, policies and strategic plans, the primary role of committee Chairs is to lead their committee in fulfilling its role as set out herein (refer Role of Committees) which may be more specifically defined by an annual program settled by the Chair in consultation with Committee members or by terms of reference issued by Council.
- 6.2 The Chairs of the committees are accountable to Council for the output of their respective committees. It is the responsibility of the Chair to work with Law Society executive and other staff in relation to procedures to assist in the efficiency and productivity of the committee.
- 6.3 Chairs are responsible for:
  - Planning the direction of the committee and settling the agenda for each meeting in collaboration with the Society's executive administration.
  - Attending meetings, directing discussion and tasking members where necessary.
  - Settling the minutes of each meeting and with the assistance of Society personnel having them distributed to the members prior to the committee's next meeting.
  - Overseeing any agreed actions flowing from each meeting in accordance with a timetable settled by the Chair or Committee.
  - Representing the Society (in person or by delegation), when requested by the President or Executive Director, at meetings with third parties or in relation to other activities involving the Society.
  - Recommending new committee members to the Selection Panel and providing advice to the Selection Panel on candidates expressing interest in joining their committee when vacancies arise.
  - Drafting (or delegating to another committee member the task of drafting) the committee's quarterly activity report for Council.
- 6.4 The Society will arrange for newly appointed Chairs an induction/training session to be attended by all Chairs in the first month of the Committee Year (April), with session topics to include the conduct of meetings, monitoring of performance, relevant procedures and the Committee's advisory role to the President.
- 6.5 In accepting the position of Chair the Chair agrees to abide by this Charter unless otherwise authorised by Council and assume the Chair responsibilities set out herein.
- 6.6 Chairs must be prepared to commit a minimum of one day per month for each committee and advise the President of the need for a replacement if they are unable to meet this commitment.

## **7. Period of Appointment of Chair**

- 7.1 Chairs are appointed or reappointed for one Committee Year.
- 7.2 Reappointment is not automatic and may depend on a number of factors including:
  - ♦ the principal of providing as many society members as possible with the opportunity to serve as a member of a committee to facilitate the regular introduction of new ideas;
  - ♦ the member's contribution to the work of the committee;
  - ♦ the member's recognised standing and expertise in the profession; and
  - ♦ the member's recognised contribution to the profession.

7.3 Where, during the Committee Year, the position of Chair is casually or permanently vacated or where the Chair is an apology, a new Chair may be appointed by the Committee (permanently or for that particular meeting respectively) via internal nomination (including self-nomination) and a majority resolution.

## 8. Members' Responsibilities

8.1 In accepting a position on a committee a member agrees to abide by this Charter unless otherwise authorised by Council and assume the member responsibilities set out herein.

8.2 It is the responsibility of members to:

- Inform themselves fully of the committee's functions and objectives, its tasks and agenda issues.
- Contribute to the fulfilment of their committee's functions and objectives.
- Attend and actively participate at committee meetings.
- Undertake at least one substantive work item for the committee per Committee Year.
- Contact the Society by email or telephone upon receipt of Agendas if they will be unable to attend. (This is important for catering reasons. It also enables the Society and Chair to determine whether a quorum will be reached and provide advance notice where meetings need to be cancelled - reducing inconvenience to other committee members).
- Inform the Chair of their inability complete an action for which they are responsible.
- Act within the parameters of the functions, powers and authorities delegated by Council.
- Establish committee break-out working groups within the committee membership from time to time as appropriate to enable the committee to more effectively and efficiently deal with specific agenda items or task directives received from Council.
- Focus on the profession's best interests rather than on personal or constituent interests.
- Inform the Chair of a conflict of interest or potential conflict of interest that may occur where personal interest or those of the appointee's firm could affect or be seen to affect the appointee's recommendations or decisions.
- 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.
- Undertake tasks requested by the Chair and/or Society executive, 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, although this is avoided by the Society wherever possible).
- 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 (including Chairs) are expected to engage in Active Service\* throughout the duration of their appointment.

**\*Active Service** means regular attendance and the missing of no more than three meetings consecutively. Members who are regularly absent (or who are absent for three consecutive meetings or more) may not be considered as having provided Active Service for the purpose of an annual *Certificate of Service*. The determination as to whether a committee member has completed Active Service for the purpose of an annual Certificate of Service, is for the discretion of Council.

## 9. Confidentiality

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 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 legal practitioners and other members of the community.

## **10. Termination of Appointment (Chairs and Members)**

10.1 A Chair or member is free to resign their position at any time.

10.2 A Chair or member's appointment may be terminated by the President in consultation with the Executive Director or Deputy Executive Director (whomever is the Committee co-ordinator for that Committee) on reasonable grounds including (but not limited to) repeated and/or serious non-observance of this Charter (or any aspect of it) and/or where the Chair or member has failed to attend three consecutive meetings in any Committee Year.

10.3 A Chair or member's appointment will be terminated by the President if that member's practicing certificate is cancelled or suspended as a consequence of a regulatory issue.

## **D. Media**

The President is the primary spokesperson for the Society. In the interests of consistency of the Society's position Chairs and members of the Society's committees should not, in their capacity as Chairs and members of the Society's committees, communicate with the media unless specifically requested and/or authorised in writing by the President and/or Executive Director of the Society. Writing may include by way of electronic communication including text or email.

## **E. Committee Meetings**

1. Most Law Society committees meet monthly or bimonthly.
2. A Schedule of Meetings is settled by Council annually and will accompany the Society's Invitation for Expressions of Interest. The Schedule of Meetings will also be published on the Society's website.
3. Meetings may be moved or cancelled as reasonably required during the course of the year at the direction of the Chair.
4. The duration of meetings is approximately 1 to 1.5 hours.
5. Meetings are ordinarily held at the Society's premises, 28 Murray Street, Hobart, at midday, 1.00 pm, 4.00 pm or 5.00 pm subject to committee preferences and room availability. Catering is provided. Telephone and/or video links to remotely located committee members including those in the north and north-west of the State are made available.
6. The quorum for all committee meetings is three. For the purposes of a quorum the Chair is to be counted as a member. The Chair has the discretion to cancel the meeting or refrain from conducting specific business in the absence of sufficient members.
7. Meetings should be commenced promptly at the scheduled times, and should commence with apologies and a settling of the minutes of the previous meeting.
8. Committees should with the oversight of the Chair remain as close to the agenda items as possible and allow committee members' views to be heard to the fullest extent possible.
9. Minutes will be made available to committee members within a reasonable time after the conclusion of meetings (please refer under Committee Administrator responsibilities below).

## **F. Guests:**

Committees are encouraged to invite experts or visitors to make presentations to them on any issue of interest. Committees may have at their meetings regular or ad hoc guests, who are not members of the Society but represent an important stakeholder group, organisation or otherwise bring relevant perspectives and expertise to matters under consideration.

Guests have no voting rights at meetings.

## **G. Reporting**

Minutes of committees meetings may be reviewed by Council at any time. It is the responsibility of the Chair of the committee to ensure that the committee submits quarterly reports to the Society for Council's consideration at its next meeting, commencing 30 June 2013 (end of first quarter of Committee Year). This ensures that Council is aware of the work of committees.

## **H. Financing**

All proposed expenditure must be submitted for approval to the Executive Director, Deputy Executive Director, Executive Committee or Council dependent on the amount.

## **I. Submissions**

Any submissions for reform or advocacy made on behalf of the Society must be sent out under President's or Executive Director's hand (or their authorised delegate's hand). All correspondence will be available for Council at each subsequent meeting.

## **J. Committee Administration**

1. Unless otherwise agreed the Society will facilitate the work of standing committees by providing secretarial and administrative services to those committees.
2. Additionally, every committee meeting will be attended by the Executive Director or Deputy Executive Director of the Society as an ex-officio member of the committee, acting in the capacity of committee administrator.
3. The responsibilities of the officer as committee administrator include assisting the Chair with performing secretariat duties for their committees (including the taking of minutes) and raising issues for the committee's consideration.
4. The committee administrator will distribute typed minutes (and a summary Action Sheet where appropriate) to members within a reasonable time after the meeting and sufficiently in advance of the committee's next meeting.
5. Unless otherwise agreed the committee administrator will prepare agendas and circulate to the committee in advance of committee meetings.
6. The Society will prepare routine correspondence at the request of the Committee.
7. The committee administrator is not a research officer for the committees; that is the responsibility of the committee members.
8. Other than for routine correspondence the committee administrator will not draft original documents such as submissions and articles for the Society's publications; those are again the responsibility of the members of the committee.
9. Attending ex-officio members have no voting rights at meetings.

## **K. Internal Communication Protocols**

1. It is the role of Council members sitting on committees to communicate the advice and activities to Council. Where a committee is without a sitting Councillor, it must appoint an 'Internal Communications Officer'. A member accepting nomination and appointment must be prepared to communicate directly with Council in writing or in person at meetings as and when requested by the committee and with the assistance of attending executive management.
2. The committee administrator will also assist the committee where possible to communicate issues and recommendations to Council and will prepare routine memorandums where required.
3. Communications should be added by the committee administrator to the Council's next meeting agenda. Council will formally acknowledge and respond to communications within 14 days of receiving the same.

### **Acknowledgement**

The Law Society of Tasmania would like to acknowledge the Queensland Law Society, the ACT Law Society, the Northern Territory Law Society and the Law Society of Western Australia for enabling the Society to use and draw upon their respective charters in the development of this Charter.

## **Schedule 1**

### **CHARTER COMMITTEES**

- Criminal Law
- Elder & Succession
- Employment & Equal Opportunity
- Litigation
- Mediation & Arbitration
- Pro Bono
- Property & Commercial
- Continuing Professional Development (MCPD Scheme Regulation and Program input)
- Family Law