

New South Wales Bar Association Guidelines for Committee Tenure and Governance

Introduction

On 14 December 2017 the Bar Council resolved to adopt the following principles regarding the operation of New South Wales Bar Association Committees (not including Professional Conduct Committees unless where specifically mentioned). These have been updated, most recently in March 2023.

1. Establishment of Committees

Bar Association Committees are established by the Bar Council and exercise delegated power from the Council pursuant to the Association's Constitution.

2. Appointment of Committees

The President exercises the power of appointment of Committee members (including Chairs) in consultation with Committee Chairs and relevant staff.

3. Term of appointment – members and chairs

Committee Chairs should serve a maximum period of five years, subject to a discretion in the President to extend this period. Ordinary Committee members may serve up to a maximum of five years with a rotation of 20% of ordinary Committee members each year, subject to a similar discretion on the part of the President.

Up to three Advisory Members may be appointed to any Committee at the discretion of the President.

4. Casual vacancies/removal of members

The President exercises the power to appoint replacement or additional members to Committees in consultation with the relevant Committee Chair. The President has a discretion to remove a Committee member for misbehaviour or otherwise where there is a risk of reputational damage arising from continued involvement (including Chairs) in consultation with the relevant Chair as appropriate and where relevant in accordance with the [Bar Association Conduct Guidelines](#).

5. Size of Committees

The size of each Committee is to be determined year to year by the President in consultation with the relevant Committee Chair and Association staff.

6. Committee Charters

Any suggested changes to Committee Charters must be submitted to Bar Council for approval.

7. Conduct of Committee business

The conduct of Committee business should generally be at the discretion of individual Chairs in consultation with relevant Association staff, subject to the following principles:

- every Committee and Panel must develop its own Action plan on an annual basis, briefly outlining what the Committee or Panel intends to achieve, by reference to the Association's strategic plan;
- a quorum of 25% must be present at a Committee meeting in order to enable that Committee to conduct its business;
- the work of Professional Conduct Committees is wholly confidential. Other Committee members are bound by the confidentiality obligations attached to particular consultations and circumstances;
- all Committee members must comply with the Association's Privacy Policy, and any other privacy requirements set out in the Committee Induction Pack, or as notified by the Committee Secretary, from time to time.
- if a Committee or Panel has appointed a Deputy Chair, the Deputy Chair may be contacted for approvals in the absence of the Chair; and
- minutes of meetings and annual reports on the work of the Association's "policy" Committees are to be provided to the Bar Council for information; and
- draft policy submissions are to be provided to the Executive to arrange approval.

9. Committee resourcing

Committees are required to seek approval from the Executive on a case by case basis for any additional resources that may be required to enable them to fulfil their responsibilities. The Association's travel policy for Committee members representing the Association at conferences requires approval of costs in advance by the Executive Director.

Any Committee or Panel seeking to establish a standing Working Group is required to seek the approval of the Bar Council Executive, including an application for secretariat support from staff, if required.

10. Information package

An information package setting out the above principles and containing additional material such as the Association's Committee travel policy, Constitution and List of Committees and their Charters is to be provided to all current and incoming Committee members.

11. Review of the Bar Council Committees – Tenure and Governance Guidelines

The Bar Council Committees – Tenure and Governance Guidelines are to be reviewed by Bar Council every two years.

12. Media engagement

The President is the public spokesperson for the Association.

Committee Chairs and committee members must not agree to participate in media interviews or undertake to provide comment to the media or any external organisation without the President's

prior approval.

If a committee Chair or committee member is approached by the media or an external organisation for comment or interview, whether “on” or “off the record”, the committee Chair/committee member must complete the Association’s Request to Participate in Media Opportunity Proforma and email this to the President, copying the Executive Director, to seek the President’s prior approval.

In urgent circumstances, the committee Chair or committee member should in the first instance contact the Director, Policy & Law Reform or the Executive Director, to seek the President’s prior approval. The Request to Participate in Media Opportunity Proforma should subsequently be completed and emailed to the President and Executive Director once it is possible to do so.

Approval for the committee Chair or committee member to provide comment to the media or participate in an interview is at the discretion of the President.