AUSTRALIAN CAPITAL TERRITORY

LAW REFORM ADVISORY COUNCIL

TERMS OF REFERENCE

Establishment

1. The Law Reform Advisory Council (the Council), is established by the Government of the Australian Capital Territory, by Ministerial authority, as an expert advisory council.

2. The Council operates in accordance with the Boards and Committees Handbook, 2009 and these Terms of Reference.

Role of Council

3. The Council’s role is to provide expert advice and recommendations to the Attorney-General on terms of reference dealing with law reform matters referred to it by the Attorney-General.

Membership

4. The Council will be comprised of persons appointed by the Attorney-General from time to time.

5. Membership will be for a period of up to three years, as specified in the offer of membership.

6. Membership may be relinquished at any time by a member by notice in writing to the Attorney-General, with a copy to the Chair.

7. Council members are expected to observe the highest standards of ethical conduct as outlined in the ACT Government Boards and Committees Handbook (2009) and the ACT Code of Ethics (Section 9 of the Public Sector Management Act 1994), including honesty, courtesy, fairness and declaring any actual or perceived conflict of interest.


9. Membership of the Council may be terminated for breach of the code of conduct or conflict of interest.
Consideration of References

10. The Chair, with agreement of the members, may form sub-committees to consider particular references, having regard to the need for relevant expertise and a balance of views, including gender balance.

11. The Council may invite people who have particular knowledge or expertise in a matter to participate in meetings of the Council and/or meetings of a sub-committee of the Council.

Chair

12. On the advice of the Australian National University, the Attorney-General will appoint a person of suitable experience and standing to be the Chair of the Council for a period of up to three years. The Chair may resign at any time by notice in writing to the Attorney-General.

Deputy Chairs

13. The Attorney-General may select one or more Deputy Chairs of the Council for a period of up to three years. A Deputy Chair may resign at any time by notice in writing to the Attorney-General.

14. The role of a Deputy Chair includes chairing meetings in the absence of the Chair.

Procedure

15. Internal Council procedures, including for conduct of Council meetings and undertaking references is to be determined by a majority of the Council.

16. Procedures for reporting to the Attorney-General, may be determined by Attorney-General.

17. The Council will undertake its own research and drafting of advice and recommendations on legal policy matters referred to it by the Attorney-General.

18. The Chair must advise the Attorney-General in writing of recommendations made by the Council.

19. A member must disclose to the Chair any situation that may give rise to a conflict of interest, a potential conflict of interest, or a potential perceived conflict of interest. The Chair in consultation with the Council will make the determination whether there are adequate grounds for excluding a member from any related discussion or decision making regarding a conflict of interest issue.

Remuneration

20. Council members’ contribution to the work of the Council is on a voluntary, unpaid basis.