

Australian Government Legal Service (AGLS) Board

Legal Risk Committee

Terms of Reference

Purpose

The **purpose** of the Legal Risk Committee (LRC) is to provide a forum for the dissemination, sharing and discussion among senior government lawyers of matters relevant to the management of Commonwealth legal risk. In this context, the concept of legal risk is to be considered broadly, encompassing all risks or uncertainties in the management of the Commonwealth's legal interests. The LRC is intended to be a consultative and information sharing body, rather than a decision making body.

In pursuing this purpose, the LRC will be used to:

- facilitate its members identifying sources of legal risk arising in their agencies, including identifying systemic or thematic risks arising across multiple agencies
- consult and seek agencies' views and input on key issues of legal risk
- promote the proactive management of legal risk, including through the identification of best practice and capacity building
- disseminate information and guidance from government on matters of legal risk (including the Attorney-General, Solicitor General, the Significant Legal Issues Committee (SLIC) or the Office of Legal Services Coordination (OLSC) within the Attorney-General's Department (AGD)), and
- promote consultation, information sharing and sharing of experiences among agencies.

Membership and Structure

In line with the LRC's purpose, its members will be a representative group of senior government lawyers (however described, e.g. Chief Legal Counsel, General Counsel, Chief Lawyer, head of legal) including:

- The head of legal (or other senior government lawyer) from:
 - each Department of State
 - each of a selection of agencies invited by the AGLS Board
 - one representative of the financial regulatory agencies
 - one representative of the intelligence agencies
 - one representative from the corporate Commonwealth entity (CCE) legal forum
 - the Australian Government Solicitor
 - Office of Parliamentary Counsel
 - Office of Constitutional Law (AGD), and
 - Office of International Law (AGD).
- The following standing members:
 - First Assistant Secretary, Legal Services Policy Division (AGD)

- Assistant Secretary, OLSC (AGD), and
- an SES representative from the Government Division of the Department of the Prime Minister and Cabinet.
- The Chair of the AGLS Board will *ex officio* be a member of the LRC.

Interaction with Significant Legal Issues Committee

SLIC is responsible for considering a small number of specified legal matters or issues, as brought to SLIC's attention by OLSC or raised by SLIC's members. In contrast, the LRC's role is to discuss and communicate legal risk broadly, which may cover among other things specific legal matters and issues, approaches to identifying and managing legal risk within agencies' areas of responsibility, and the capability of government lawyers and legal practices to manage legal risk. This may extend to proposing initiatives for the broader AGLS to be implemented by other AGLS Committees.

The LRC will complement SLIC, and will form part of the broader *legal risk ecosystem* (which also encompasses the role of agencies, OLSC and ministers, the operation of the *Legal Services Directions*, the ongoing collaboration and consultation among government lawyers, and other education, training, information sharing and networking initiatives of the AGLS). What this means in practice will depend on the context of particular issues. As and when appropriate, the LRC may identify issues worthy of SLIC's attention, or review or triage issues before they go to SLIC.

The LRC will also be a forum to implement or disseminate outcomes from SLIC if requested by them, or to discuss matters which are not included on SLIC's agenda.

Meeting frequency

The Legal Risk Committee will meet at least four times per year.

Secretariat

OLSC will provide secretariat support to the LRC including assisting to develop agendas and meeting papers and arrange meeting logistics.