MODEL TERMS OF REFERENCE

IHL ADVISORY COMMITTEES

Approved by the Board, recommended for use by a Divisional Advisory Board in establishing an IHL Advisory Committee

[*To be approved*] 2018

1. ESTABLISHMENT AND AUTHORITY

Australian Red Cross is a National Society in the International Red Cross & Red Crescent Movement (Movement) and promotes awareness of and respect for International Humanitarian Law (IHL) as part of its unique humanitarian mandate. Promoting IHL, within the wider framework of the seven Fundamental Principles, fulfils statutory requirements for the National Society[1] and is auxiliary to the obligations of the Australian Government to disseminate IHL to its citizens.[2] Supporting Australian Red Cross in this obligation are IHL Advisory Committees, whose expertise and experience provide essential means and opportunities to reach key stakeholders identified by the National Society IHL Program (IHL Program) and in support of the Strategic Goals of Australian Red Cross.

The IHL Advisory Committee (Committee) is established and the members are appointed pursuant to Part 4.1 of the Australian Red Cross Divisional Regulations 2010.[3]

The Divisional Advisory Board directs the Committee to undertake the purpose, objectives and responsibilities set out in these Terms of Reference including any specific matters referred to in the Divisional Advisory Board Delegations.

These Terms of Reference replace any prior Terms of Reference, with effect on [*date to be inserted*].

The Committee must undertake its work within any applicable delegations, policies and resolutions made by the Divisional Advisory Board from time to time.

Subject to the Rules, the Divisional Advisory Board may dissolve the Committee at any time.

2. PURPOSE AND OBJECTIVES

A. The **purposes** of the Committee are to:
   i. advise on and actively support the work priorities of the IHL Program as articulated in the organisational strategy (adopted by the National Board) and IHL Program strategy (these work priorities are articulated in annual IHL work plans and stakeholder engagement plans);

[1] Statutes of the Movement Article 3(2) and Resolutions from International Conferences of the Red Cross Red Crescent (For example Geneva, 1986, Resolution IV, see also Manila, 1981, Resolution X, Rio de Janeiro, 1987, Resolution 4, Budapest, 1991, Resolution 8, Geneva 2007 Resolution 8); Royal Charter of the Australian Red Cross Society, clause 2.

[2] Geneva Convention I, art 47; Geneva Convention II, art 48; Geneva Convention III, art 127; Geneva Convention IV, art 144; Additional Protocol I, art 83 and Additional Protocol II, art 19.

[3] Part 4.1 states that the Divisional Advisory Board may 'establish and disestablish Advisory Committees, and appoint and remove Chairs and/or Deputy Chairs and members of any Advisory Committee; determine and review the terms of reference of each Advisory Committee; permit the Committee to recommend to the Divisional Advisory Board the appointment of additional Committee members.'

ii. promote a better understanding of international humanitarian law (IHL), the Fundamental Principles of the International Red Cross and Red Crescent Movement (the Movement) and protection of the emblem.

B. The **objectives** of the Committee are to:

i. by representing a broad range of skills and expertise, advise and provide concrete support to the IHL Program in their State or Territory, and nationally, on IHL matters, targeted stakeholder engagement plans and activities consistent with the organisational strategy and IHL Program strategy. In this respect, the Committee membership will:
   a. advise on the development and implementation of IHL Program annual plans and stakeholder engagement plans
   b. act as conduits for liaison and consultation between the IHL Program and the particular stakeholder target group that they represent
   c. lend their knowledge and expertise to the IHL Program with concrete support for specific projects, activities and engagement opportunities with priority stakeholder groups;

ii. promote the role and activities of IHL to the Divisional Advisory Board;

iii. work with the IHL Community Engagement Network to devise and implement IHL dissemination activities for the broader public in their State or Territory.

3. RESPONSIBILITIES

A. The Committee will:

i. in close collaboration with the Divisional Advisory Board and IHL program, develop an annual work plan pursuant to section 10, setting out its activities so as to fulfil its purpose and objectives;
ii. report quarterly to the Divisional Advisory Board on the Committee's individual and collective actions to implement its annual work plan;
iii. protect the reputation and work of the Movement in particular through ensuring that all activities conducted for and by the IHL Program, the Committee and its members are consistent with the Fundamental Principles; and
iv. work within these Terms of Reference.

B. The Divisional Advisory Board will:

i. Disseminate reports from the Committee (per 3A(i) above) to the Divisional Advisory Board;
ii. provide verbal updates at IHL Advisory Committee meetings on broader Australian Red Cross priorities and activities within the State or Territory;
iii. ensure that the Committee is working within these Terms of Reference; and
iv. provide a schedule of Divisional Advisory Board meetings to allow for practical scheduling of IHL Advisory Committee meetings.

C. The IHL Program will:

i. schedule nation-wide stakeholder network meetings and the annual meeting of IHL Advisory Committee Chairs at such a time that members are able to advise the IHL Program on the development of annual plans and stakeholder engagement plans;

ii. provide quarterly updates to the IHL Advisory Committees on progress against IHL Program annual plans and stakeholder engagement plans;
iii. provide specific requests for advice and support to the Committee;
iv. together with the IHL Advisory Committee Chair, recruit and support the volunteer IHL Advisory Committee Secretary and Convenor of the IHL Community Engagement Network; and
v. provide compulsory annual briefings to Committee members.

4. MEMBERSHIP

A. General composition of the Committee

The Committee should to the extent possible:

- have between 6 and 12 ordinary members;
- reflect diversity in gender, age, and cultural background;
- reflect a balance of priority stakeholder groups.

The Committee must include a Divisional Advisory Board representative, appointed by the Divisional Advisory Board. This representative must fulfil the responsibilities set out under section 3B of these terms of reference.

In addition, the Committee should to the extent possible, comprise appropriate persons drawn from the following, that meet the requirements set out in role descriptions annexed to these terms of reference:

- Humanitarian sector
- Academia
- Medical sector
- Media
- Legal sector
- The Convenors of the IHL Community Engagement Network and IHL Community Speakers Network
- A Youth Advisory Committee representative.

Up to two positions will be allocated to distinguished individuals who meet the requirements set out in the 'general member' role description annexed to these terms of reference.

B. Australian Defence Force representation

The Committee should include an appropriate Australian Defence Force (ADF) representative. An ADF representative on the Committee will be appointed by the Director General ADF Legal Services in consultation with the IHL Program.

ADF appointees will attend and participate fully in meetings and activities of the Committee. However, they do not have a right to vote on any matter or resolution of the Committee and are not bound by section 8 of these Terms of Reference.

C. Executive Officer

The IHL Program will appoint a member of staff as the Executive Officer of the Committee. This representative must fulfil the responsibilities set out under section 3C of these Terms of Reference.

D. Appointment of members and term of office

Unless otherwise specified above, the Divisional Advisory Board will release a public call for applications for membership of the committee when vacancies arise.

The Divisional Advisory Board representative on the Committee, the IHL Advisory Committee Chair, and the IHL Program will assess applications on their merits and against the role descriptions annexed to these Terms of Reference, before making a recommendation to the Divisional Advisory Board.
In light of the recommendation, the Divisional Advisory Board must appoint eligible persons as members of the Committee, by reference to the expertise, skills and experience set out in the role descriptions.

A member is appointed for an initial term of two years and may be reappointed for up to two subsequent terms, each of two years duration. In order to apply for a subsequent term, committee members must submit an expression of interest, demonstrating the fulfilment of their responsibilities as a current committee member and their proposed contributions if re-elected for a subsequent term. This will be reviewed by the Committee Chair, Divisional Advisory Board representative on the Committee, and the IHL program who will then make a recommendation to the Divisional Advisory Board.

As a general rule, a member of the Committee cannot be a member for a continuous period greater than six years. In exceptional circumstances the Chair of Committee and IHL program can jointly make a request to the Divisional Advisory Board to extend the limit of an individual member of the Committee beyond six years in recognition of organisational imperatives and extraordinary service to the Committee and IHL Program.

Any member of the Committee (including the Chair) may be appointed to, or removed from, the Committee by the Divisional Advisory Board at any time.

E. Responsibilities of members:
There is an expectation that all Committee members will:

- attend quarterly State or Territory based meetings and biannual nation-wide stakeholder network meetings;
- complete annual briefings provided by the IHL Program on the Movement, Fundamental Principles, IHL and its relation to Australian Red Cross;
- attend Australian Red Cross IHL dissemination events as often as possible;
- contribute to the fulfilment of the purpose, objectives and responsibilities of these Terms of Reference;
- fulfil requirements set out in their role description annexed to these Terms of Reference;
- demonstrate an interest in and understanding of IHL and the Movement, including the Fundamental Principles of the Movement.

Committee members may apply for a single leave of absence, of up to 12 months, from the Committee Chair. These will be granted at the discretion of the Committee Chair.

5. CHAIR

A. Appointment of Chair
The Divisional Advisory Board will release a public call for applications for the position of Committee Chair when a vacancy arises.

The Divisional Advisory Board representative on the Committee, a member of the IHL Program and a third person independent from the Committee will assess applications on their merits and by reference to the role description annexed to these Terms of Reference, before making a recommendation to the Divisional Advisory Board.

In light of the recommendation, the Divisional Advisory Board must appoint an eligible person as Chair of the Committee.

A Chair cannot hold the position for a continuous period greater than six years, unless there are no suitable candidates to fulfil this role upon their retirement from their position.

The Committee Chair may apply to become an ordinary member of the Committee upon the conclusion of their final term as Chair. This is done in accordance with section 5.

B. Responsibilities of the Chair

In addition to the requirements of all members of the Committee, the Chair is responsible for:

- the management of all meetings and business of the Committee including the development and successful implementation of the annual work plan
- ensuring the Divisional Advisory Board is informed of the business and performance of the Committee including through preparation and circulation of minutes and quarterly reports on implementation of the annual work plan of the committee
- providing feedback on members' contributions as appropriate or necessary
- ensuring the committee operates in conformity with these Terms of Reference
- the recruitment and management of the Secretary of the Committee and IHL Community Engagement Network Convenor, together with the IHL Program.
- representing the committee at the annual meeting of the IHL Program and Committee Chairs meeting
- acting as the primary point of liaison between the IHL Advisory Committee and the IHL Program on matters relating to the Committee
- working collaboratively with the network of IHL Advisory Committee Chairs across the country.

If the Chair is unavailable, she/he may appoint a member of the committee to fill-in for them on an *ad hoc* basis.

6. COMMITTEE SECRETARY

The Committee Secretary will be an Australian Red Cross volunteer recruited and appointed jointly by the Executive Officer and Committee Chair for a term of 12 months, renewable annually.

The Committee Secretary must fulfil the responsibilities set out in the role description which includes:

- attending all quarterly meetings of the Committee;
- drafting and circulating agendas of meetings;
- drafting and circulating minutes of meetings (minutes to be circulated to IHL Advisory Committee, Divisional Advisory Boards, IHL program and IHL Committee Chairs across the country);
- assisting the Committee Chair to prepare quarterly reports of the Committee reflecting their implementation of the annual work plan for circulation to the Divisional Advisory Board;
- liaising regularly with Committee members on behalf of the Committee Chair to help keep all members on track with their individual commitments relating to the implementation of the annual work plan of the Committee;
- assisting with other administrative functions related to the Committee as requested.

7. INVITEES AND INFORMATION

Standing invitations

The Director[i] and Divisional Advisory Board Chair are to receive notices of all meetings of Committees and each has a standing invitation to attend any Committee meeting.

8. POLICIES AND CODE OF CONDUCT

On appointment, Committee members are bound by and are required to commit to the Policies and the Ethical Framework of the Society, the Code of Conduct for members of the Board and the Fundamental Principles of the Red Cross and Red Crescent Movement.

9. CONFLICTS OF INTEREST

A member must not have a material actual or perceived conflict of interest.

10. MEETINGS

A. Frequency, venue and timing

The Committee must meet quarterly. If required, the Committee can meet on other occasions as determined by the Chair.

Meetings of the Committee will normally be scheduled at least two weeks before any normally programmed meetings of the Divisional Advisory Board.

The Committee will meet at venues determined by the Chair. Teleconference and videoconference facilities may be made available if necessary.

B. Notices, agendas, minutes

Unless the Divisional Advisory Board, a Board Policy, or these Terms of Reference specifies otherwise, the following provisions apply:

Notice of meetings

Reasonable notice of meetings will be given to all Members. Unless otherwise determined by the Chair, 3 weeks' notice of any meeting will be given.

Agenda

A written Agenda and any supporting papers will be provided to all Members no less than 5 working days prior to each meeting.

Minutes

A draft of the minutes of each meeting will be prepared by the Secretary of the Committee and provided to the Chair for review. The draft minutes as approved by the Chair must be circulated within 2 weeks of a meeting. The Minutes may be approved by the members who were present at the meeting and, if so approved, are to be signed by the Chair.

The Minutes, as so signed by the Chair, are to be provided, where practicable, to the next meeting of the Divisional Advisory Board.

C. Annual Work Plan

The Committee will prepare an Annual Work Plan to schedule the work of the Committee under these Terms of Reference appropriately across the meeting schedule. The development of this plan should be guided by the IHL Program annual plan and stakeholder engagement plans. The work plan will be agreed jointly between the Committee and IHL Program.

The Committee will submit the annual work plan to the Divisional Advisory Board for approval by not later than the end of June.

D. Reporting to the Divisional Advisory Board

Quarterly reports will be compiled by the Committee Chair with the support of the Committee Secretary, in accordance with the annexed work plan and reporting template. The Divisional Advisory Board representative on the Committee will provide this report to the Divisional Advisory Board.

E. Quorum

The quorum for a meeting of the Committee is more than half the number of members then in office.

11. REVIEW

A. Performance review

The Committee will review its own performance (including that of individual members and collectively as a Committee) against its Purpose and Objectives and Responsibilities as specified in these Terms of Reference, on an annual basis. This review will seek feedback from stakeholders and may request input from any person.

The findings of the review will be reported to the Divisional Advisory Board and the IHL program.

B. Terms of Reference Review

The Divisional Advisory Board, in consultation with the IHL program and IHL Advisory Committee Chairs, will review these Terms of Reference at the conclusion of each organisational strategy to ensure that they remain consistent with the Divisional Advisory Board's objectives and responsibilities. The Divisional Advisory Board, in consultation with the IHL program, may recommend changes to the National Board following this review.

12. ACCESS AND INDEMNITY

All members of a Committee, whether a member of the Divisional Advisory Board or not, are entitled to a right of access and indemnity in relation to his or her rights and obligations as a member of the Committee, in accordance with the Rules.

Annexures:

1. Role descriptions
2. Template agenda
3. Template minutes
4. Template application for membership
5. Template work plan/report

Adopted by the Board: *<date>*
Distribution: CEO, Executive
Issued by: *Board Secretary*
Issued on: *<date>*
Review: annual
Next Review: *<date>*

Revision No.:	Date Issued:	

[i] The Director of the Division.