

## **APC Charter**

### **Chapter 2.5 – Legal & Ethics Committee**

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**Asian  
Paralympic Committee**

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# **1 Function**

## **1.1 Authority**

The APC Legal & Ethics Committee (LEC) is accountable to the APC Executive Board (EB).

The APC Legal & Ethics Committee shall have no authority that does not come from the Executive Board; the APC Executive Board has the sole power to grant authority to the APC Legal & Ethics Committee.

## **1.2 Role**

The Legal & Ethics Committee shall have the following roles:

- Provide the APC Executive Board with advice on any legal and ethical matter as requested by the Executive Board and/or CEO.
- Conduct a regular review of the APC Constitution and bylaws and where relevant recommend changes.
- Review APC standing orders and other APC bylaws, rules and regulations to ensure they are consistent, and ensure they are in compliance with the APC Constitution.
- Consider all motions submitted to the APC General Assembly and provide where relevant legal observations and/or recommendations to the APC Executive Board.
- Verify whether nominations for election to the APC Executive Board are in compliance with the conditions for nominations and seek clarification from the nominating member where needed. Monitor the election procedures followed at the APC General Assemblies to ensure compliance with the nomination and election procedures adopted by the General Assembly.
- Advise the President on all legal, constitutional, and ethical matters during the APC General Assembly.
- Provide support to the Executive Board and CEO to ensure that all legal and ethical matters arising during the Asian Para Games are appropriately handled.
- Review and or address all legal issues as appropriate, e.g., contracts and agreements entered into by APC.
- Liaise with external legal consultants as requested by the CEO.
- Consider and, where appropriate, make recommendations to the APC Executive Board on any legal or constitutional matter that, in its view, may be of future significance to the APC.
- Develop and promote best practice in the applications of the APC's ethical principles and suggest concrete measures to this end, including the development of a process to identify, disclose, and address a potential conflict of interest in advance of its occurrence by any APC Member or any person (including the President or any Executive Board Member and the CEO) holding any office associated with the APC.
- Provide upon request to the APC Executive Board, advisory opinions as to whether a particular course of conduct would constitute a violation of the APC Code of Ethics.
- Assist in ensuring compliance with the APC's ethical principles in all policies and practices of the APC and assess the extent to which the APC's ethical principles are being reflected in practice.
- Investigate complaints raised in relation to the non-respect of the APC's ethical principles, including breaches of the Code of Ethics, and where relevant hold hearings, and propose

sanctions to the Executive Board in accordance with the 'APC Code of Ethics – Appendix A'.

## **2 Structure**

### **2.1 Composition**

The Legal & Ethics Committee shall consist of a Chairperson, appointed by the APC Executive Board from among the nominations sent by APC members, of a vice-Chairperson and of a maximum of five (5) members as determined in article 3 of this by-law.

### **2.2 Reporting**

Written reports/minutes of all Legal & Ethics Committee meetings shall be produced for distribution to the APC Executive Board and LEC members; all reports shall be archived at the APC headquarters. The Chairperson of the LEC shall approve the reports/minutes prior to distribution.

The APC CEO shall ensure that recommendations to the APC Executive Board resulting from LEC meetings are included on the agenda of the APC Executive Board meetings and that the subsequent decisions from the APC Executive Board are communicated to the members of the LEC.

The Chairperson of the LEC may be invited to attend the meetings of the APC Executive Board and/or may be invited to give a verbal report at the meeting of the APC Executive Board on a specific topic.

A report on the activities of the LEC will be developed by the Chairperson of the LEC and will be included in the overall biennial report to the APC General Assembly.

## **3 Membership**

### **3.1 Members**

Members of the Legal & Ethics Committee shall be, in addition to the Chairperson appointed by the APC Executive Board:

- One (1) vice-Chairperson, appointed by the Chairperson from among the nominations received from the APC members;
- A maximum of five (5) members, selected by the Chairperson and the Vice-Chairpersons from among the nominations received from the APC members. Members shall be legally qualified and experienced in the matter of law in their country and/or internationally.

### **3.2 Term of office**

Members of the Legal & Ethics Committee shall normally serve for four (4) years corresponding to the term of office of the APC Executive Board members. Members may be re-appointed to serve for a next term, there are no limitations to the number of terms members can be re-appointed to the LEC.

Membership to the LEC may be terminated by the APC Executive Board following the annual review of the appointments and/or following the recommendation of a two-thirds (2/3) majority of the full LEC, for reasons of not fulfilling his/her duties or any other serious breaches of APC rules and regulations.

Any individual member of the LEC may resign at any time for personal reasons, subject only to the requirement that he/she informs the APC President in writing of such decision.

### **3.3 Vacancies**

Vacancies in the Legal & Ethics Committee occurring through resignation, death or any other reason shall be filled by appointment by the APC Executive Board, following nomination by the Chairperson of the LEC.

## **4 Meeting**

The Chairperson of the Legal & Ethics Committee presides over all meetings of the Committee. If the Chairperson is absent due to unavoidable circumstances, any other member designated by the LEC may preside over the meeting.

The Chairperson will convene meetings when appropriate, or upon request of the APC Executive Board and/or upon request of a majority of the members of the LEC. There shall be at least one meeting of the LEC each year.

The quorum shall be 50% of the members. All attending members have voting rights, including the Chairperson. Decisions shall be made by a simple majority of members present voting. When there is a tie, the Chairman shall have a casting vote.

Where possible, thirty (30) days-notice of the meetings will be given to all members of the LEC, but in exceptional situation the LEC may agree to meet at shorter notice. The agendas and meeting papers shall be circulated with the notice of the meeting or as soon as practicable thereafter.

## **5 Motions**

### **5.1 To the Legal & Ethics Committee**

Motions for consideration by the Legal & Ethics Committee shall be submitted to the LEC members as soon as possible and should not be less than two weeks before a meeting. The LEC may consider matters that are urgent and important at shorter notice.

### **5.2 To the APC General Assembly**

The Legal & Ethics Committee has the right to submit motions to the APC General Assembly through the APC Executive Board, and subject to compliance with the 'Administrative Procedures to be followed prior to APC General Assemblies'.

The APC Executive Board may make further recommendations to the APC General Assembly on all motions submitted by the LEC.

## **6 Finances**

### **6.1 Annual budget**

The Chairperson of the Legal & Ethics Committee will, in co-operation with the APC CEO, produce a budget for the LEC. The LEC budget will be included in the overall APC budget and submitted for approval to the APC Executive Board in accordance with the APC financial policies.

### **6.2 Meeting budget**

Whenever possible, the APC will support the logistics and costs for the organisation of one meeting of the committee per year. This might include costs of the meeting room rent, meals around the meeting, accommodation and flight tickets, but will have to be confirmed by the APC before each meeting.

Legal & Ethics Committee members are always encouraged however to finance their flight and accommodation costs (either individually or with the support of their NPC).

### **6.3 Other financial regulations**

Any financial regulation for the Legal & Ethics Committee shall be in compliance with the financial procedures issued by APC headquarters from time to time.

## **7 Dissolution**

The Legal & Ethics Committee can only be dissolved by a decision of the APC Executive Board.

## **8 Amendments of by-laws**

Any amendment proposed to the bylaws of the Legal & Ethics Committee shall be subject to approval by the APC Executive Board.