

Disability Advisory Committee

Terms of Reference

Short Description:

This Terms of Reference applies to Council's Disability Advisory Committee.

Relevant to:

Councillors, Committee Members and Manningham Council officers

Responsible Officer:

Director City Planning and Community

Approved by Council:

28 July 2020

Review Date:

January 2024

Reference:

IN20/404

<p>1. Purpose</p>	<p>The Manningham Disability Advisory Committee will provide advice to Council on how to understand and respond to the needs of people with disability. By providing advice pertaining to Council policies and practices, the Disability Advisory Committee will strengthen the voice of people with disability, build their capacity, and support the community to be accessible and inclusive for all Manningham residents.</p> <p>The Victorian Disability Act 2006 defines disability as: A sensory, physical or neurological impairment or acquired brain injury or any combination thereof, which is, or is likely to be, permanent; and causes reduced capacity in at least one of the areas of self-care, self-management, mobility or communication; and requires significant ongoing or long term episodic support; and is not related to ageing; or an intellectual disability; or a developmental delay.</p>
<p>2. Roles and Tasks</p>	<p>The role of the Committee is to provide Council with direct access to a group of people who have a diverse understanding of living with a disability in Manningham.</p> <p>In particular the group will:</p> <ul style="list-style-type: none"> • Build the capacity of Council to understand and respond to the needs of people with disability and their carers by providing an authentic voice of people with lived experience of disability. • Develop the capabilities of Committee members, through an understanding of the environment and processes of local government, so that they can contribute constructively as well as support their employment, education and civic engagement aspirations. • Honour Council's commitment to key Council policies and strategies including the Council Plan and Municipal Public Health and Wellbeing Plan. • Advise on the development and review of key Council strategies, policies and plans. • Assist Council to meet its legislative requirements as it relates to inclusion of people with disability.
<p>3. Chairperson</p>	<p>Meetings will be chaired by a Manningham Councillor, nominated by Council on an annual basis.</p> <ul style="list-style-type: none"> • In the event that the Chairperson is absent, the meeting will be chaired by the Chairperson's nominee or representative of Council.
<p>4. Delegated Authority and Decision Making</p>	<p>Advisory committees act in an advisory capacity only and have no delegated authority to make decisions on behalf of Council.</p> <p>Advisory committees provide advice to Council and staff to assist them in their decision making.</p> <p>In accordance with section 76E of the <i>Local Government Act</i> 1989, a Councillor must not improperly direct or influence a member of Council staff in the exercise of any power or in any performance of any duty or function.</p>

<p>5. Meeting Procedures</p>	<p>Meetings will be held four times each year.</p> <p>Additional meetings may be required on an as-needs basis, such as during the development or review of a major strategy. Additional meetings will be subject to approval by both the Chairperson and the relevant Council delegate.</p> <p>Meetings are closed to the community outside endorsed members and delegates. Guests or subject matter experts may be invited to attend meetings as required.</p> <p>Meetings will:</p> <ul style="list-style-type: none"> • Commence on time and conclude by the stated completion time; • Be scheduled and confirmed in advance with all relevant papers distributed to each member; • Encourage fair and respectful discussion; • Focus on the relevant issues at hand; and • Provide advice to Council, as far as practicable, on a consensus basis. • Council will ensure that members are supported to choose the best method of communication that enables them to carry out their role in full and are able participate in meetings remotely if unable to physically attend.
<p>6. Committee Management</p>	<p>As per Council's Advisory Committee Policy, Council will provide the necessary support to assist the Committee to function effectively including:</p> <ul style="list-style-type: none"> • Maintaining contact details of members • Agendas and meeting papers will be distributed to Committee members one week prior to the meeting. • The minutes of a meeting of an Advisory Committee must: <ul style="list-style-type: none"> ○ contain details of the proceedings and outcomes for action; ○ be clearly expressed; ○ be self-explanatory; and ○ incorporate any relevant reports or a summary of the relevant information considered in forming any recommendations. • Draft minutes of the committee meeting will be circulated to members within two weeks of the meeting and be listed on the agenda for the next meeting for endorsement. • The supporting officer will ensure timely completion of any actions arising from the meeting and provide an update on the status of any outstanding actions at the next meeting. Circulating other material to committee members as necessary • Comments provided by the Committee on Council matters will be considered by the appropriate units of Council and outcomes will be reported back to the Committee in a timely manner. • The Committee will have access to Council staff with expertise relevant to the item being advised on by the Committee. • Preparation of an Assembly of Councillors record as required under the Local Government Act 1989. • At the beginning of each committee term or where there is a change in committee membership, the supporting officer in consultation with the Chairperson will provide a thorough induction program which outlines the various roles and responsibilities of the committee and its members with the new committee or any new members of the committee. <p>Advisory Committees are required to prepare a report on an annual basis which should directly reflect the Terms of Reference and be in line with their stated objectives. The report may include a self-evaluation of the Committee's operations against the objectives and the performance measures of the committee as set out in the Terms of Reference. The report will be presented to Council for noting under the relevant directorate heading.</p> <p>Please refer to Council's Advisory Committee Policy for an overview of all requirements.</p>

<p>7. Membership</p>	<p>The Committee will comprise:</p> <ul style="list-style-type: none"> • One Councillor appointed annually by Council • A maximum of thirteen (13) members including: • Up to 10 community representatives appointed by Council. Community representative membership will be appointed to specific individuals; and; • Relevant Council officers from Community Programs and other Managers as required, up to three, (3) including the Chair. <p>A quorum for an Advisory Committee meeting is 50 percent plus one comprising at least:</p> <ul style="list-style-type: none"> • One Councillor or delegated representative • Four community representatives • One Council Officer <p>Councillors not formally appointed a committee members may attend committee meetings to observe proceedings.</p> <p>Representatives from peak bodies and service providers will be invited to attend meetings on an as-need basis.</p>
<p>8. Membership Criteria</p>	<p>The following membership criteria will be used in making appointments to the committee:</p> <ul style="list-style-type: none"> • Community members will have lived experience of disability, with preferred ratio: 80% people with disability, 20% family or carer of a person/s with disability. • Live, work or study within the municipality or have a connection to the municipality through professional, technical or industry alliances. • Relevant experience in committees or demonstrated ability to participate in, and constructively contribute to, a group committee or organisation with or without support. • Represent diversity in disability and intersectionality, including: age, gender, sexuality, cultural backgrounds. • Ability to regularly attend and participate in meetings as scheduled. • A mix of skills and attributes to complement other members of the committee. • Linking continuing tenure to performance and contribution.
<p>9. Nomination Process</p>	<p>The most appropriate mix of membership will be determined by Council.</p> <p>Community representatives are appointed by Council through an expressions of interest and selection process.</p> <p>Expressions of interest will be sought by public notice in the local media and on the Manningham Council's website or by letter to relevant local or peak agencies or community organisations.</p> <p>Nominees shall nominate on the appropriate Council Form within the advertised nomination period.</p> <p>Nominees may be interviewed by Council. Where interviews are required, nominees are given the opportunity to choose the most appropriate form of communication and may participate in interviews remotely should they be unable to physically attend.</p> <p>Appointments will be made by Council and selected based on the criteria above.</p> <p>Membership will be for a three year term for Community Representatives. Members can re-nominate after their term ends in accordance with the nomination process.</p> <p>However, consideration may be given to applicants who express a preference for a two year term.</p>

<p>10. Resignation</p>	<p>A member of the Committee may resign at any time. Notice of resignation is to be provided in writing to the Chairperson and the officer responsible for managing the Committee.</p> <p>If a committee member fails to attend 3 consecutive meetings without prior notice, membership is deemed to have lapsed.</p> <p>Casual vacancies that occur due to a community representative resigning or membership lapsing may be filled by co-opting suitable candidates identified from the most recent selection process for the remainder of the previous incumbent's term.</p> <p>Officers, in consultation with the Councillor committee, will make a recommendation to the Chief Executive Officer to appoint a suitable candidate to the advisory committee for the remainder of the previous incumbent's term.</p> <p>Where there are no suitable candidates identified, a formal expression of interest and selection process is required. The outcome of a formal expression of interest process will be presented to Council for determination in accordance with the procedures outlined above.</p> <p>Where a vacancy occurs within 6 months of the current membership expiring and providing that a quorum is maintained, there is no requirement to fill the vacancy for the remainder of the term.</p>
<p>11. Conflicts of Interest</p>	<p>In the event of a conflict of interest arising for any member of the Committee, the member will disclose the interest and clearly state the nature of the interest at the meeting before the matter is considered. Any member who discloses a conflict of interest in a matter, must leave the room while the matter is being discussed.</p> <p>Where a Councillor or officer declares a conflict of interest in relation to a matter in which the committee is concerned, they must disclose the interest to the committee before the matter is considered or discussed at the meeting.</p> <p>Disclosure must include the nature of the interest and be recorded in the minutes of the meeting. The Councillor or officer must leave the room while the matter is being considered and may return only after consideration of the matter and all votes on the matter.</p> <p>Where a community member has a Conflict of Interest (as defined in the Local Government Act) in relation to a matter in which the committee is concerned, or is likely to be considered or discussed, the community member must disclose the matter to the group before the matter is considered or discussed.</p> <p>Disclosure must include the nature of the relevant interest or conflict of interest and be recorded in the minutes of the meeting. It will be at the discretion of the Chairperson if the community member remains or leaves the room whilst the matter is discussed, and this must also be recorded in the minutes of the meeting. A community member who has declared a conflict of interest on a matter must abstain from voting on the matter if they remain in the meeting.</p>

<p>12. Code of Conduct</p>	<p>As a minimum, to ensure advisory committees are conducted in a respectful and efficient manner, committee members must:</p> <ul style="list-style-type: none"> • Act with integrity • Impartially exercise their responsibilities in the interests of the local community • Not improperly seek to confer an advantage or disadvantage on any person, including themselves • Treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of Councillors, committee members and Council officers • Commit to providing a safe, inclusive and productive environment free from discrimination, harassment and bullying by not engaging in behaviour that is intimidating or that may constitute discrimination, harassment or bullying • Take reasonable care of their own health and safety and that of others • Commit to regular attendance at meetings <p>Committee representatives appointed to advisory committees are expected to abide by the Code of Conduct.</p> <p>Any breach of this Code of Conduct by a community representative may result in termination of membership.</p> <p>Councillors are bound by the Councillor Code of Conduct.</p> <p>Council officers are bound by the Employee Code of Conduct.</p>
<p>13. Media</p>	<p>Committee members should defer any media enquiries to the Chairperson in the first instance and should take care not to respond as a representative of the committee.</p>
<p>14. Confidential Information</p>	<p>Committee members must not disclose information that they know, or should reasonably have known is confidential information.</p> <p>Committee members have an obligation to not disclose any materials or information that is not publicly available unless approved by the Chairperson or a representative of Council.</p> <p>Committee members should be mindful of their obligations under the <i>Privacy and Data Protection Act 2014</i> regarding the use and disclosure of information¹⁹⁸⁹.</p>
<p>15. Review</p>	<p>A review of the terms of reference and the role, function, membership, and productivity of the committee will be conducted at least once every four years to ensure currency and effectiveness.</p> <p>These terms of reference may be revoked at any time by Council.</p>
<p>16. Sunset Clause</p>	<p>The Disability Advisory Committee will sunset four years from the date of adoption.</p>