

# Manningham Disability Advisory Committee

## Draft Terms of Reference – August 2023

<b>What is the Disability Advisory Committee?</b>	<p>The Manningham Disability Advisory Committee (MDAC) will provide strategic advice to Council on how to understand and respond to the needs of people with disability. The MDAC will strengthen the voice of people with disability when engaging with Council, and support the community to be inclusive for all Manningham residents.</p>
<b>1. Purpose</b>	<p>MDAC provides a formal way for Council to seek input and guidance from the community. This guidance is used to support quality decision making and help Council to achieve its goals and objectives under the Council Plan. The MDAC will act in an advisory capacity only, and has no delegated authority to make decisions on behalf of Council.</p>
<b>2. Role and Objectives</b>	<p>The role of the MDAC is to provide a direct link between Council and people who have expertise, knowledge, skills and/or lived experience in disability.</p> <p>MDAC members will:</p> <ul style="list-style-type: none"> <li>• Provide a representative sample of expert, independent and authentic voices to the needs of people with disability and their carers, with an ability to advise on current and emerging trends in the community or relevant sector.</li> <li>• Contribute constructively to support the delivery of key Council strategies, policies and plans, including Manningham’s Council Plan 2021-2025 and the Health and Wellbeing Strategy 2021-2025.</li> <li>• Provide strategic advice and direction on the development and review of key Council strategies, policies and plans.</li> <li>• Contribute to the work of other advisory committees where relevant as subject matter experts.</li> </ul>
<b>3. Delegated authority and decision making</b>	<ul style="list-style-type: none"> <li>• Advisory committees provide advice to Council and officers to assist their decision making.</li> <li>• In accordance with Section 124 of the <i>Local Government Act 2020</i>, it is an offence for a councillor to direct or seek to direct a member of Council staff in the performance of specific types of tasks and specifies a maximum penalty level.</li> </ul>
<b>4. Chairperson</b>	<ul style="list-style-type: none"> <li>• Meetings will be chaired by a Manningham Councillor, nominated by Council on an annual basis. If the Chairperson is absent, they are able to nominate another person to chair.</li> <li>• Meetings will be chaired in a way that promotes respectful discussion of the issues, to arrive at an agreed view that fairly reflects the sense and will of the meeting.</li> <li>• The Councillor Chairperson is responsible for reporting to Council any matters of interest that arise as part of meeting procedures.</li> </ul>

<p><b>5. Membership</b></p>	<ul style="list-style-type: none"> <li>• At least one Councillor appointed annually who acts as Chairperson.</li> <li>• A range of volunteer committee members (up to ten [10]) endorsed by Council through an expression of interest, nomination and assessment process to provide a mix of: <ul style="list-style-type: none"> <li>○ Local community organisations and/or service providers, if relevant (maximum 20%)</li> <li>○ Community members with relevant skills and experience comprising: <ul style="list-style-type: none"> <li>• 60% people with disability; and</li> <li>• 20% family or carer of a person/s with disability.</li> </ul> </li> </ul> </li> <li>• Council officers comprising: <ul style="list-style-type: none"> <li>○ A senior Council Officer, either Director, or Manager;</li> <li>○ Service area coordinator to act as Secretariat; and</li> <li>○ Subject matter expert/s.</li> </ul> </li> </ul>
<p><b>6. Co-opted Membership</b></p>	<ul style="list-style-type: none"> <li>• Representatives from peak bodies, service providers and council may be invited to attend advisory committee meetings to provide specific advice on an as-need basis, and do not contribute to MDAC's quorum.</li> </ul>
<p><b>7. Quorum</b></p>	<p>50% plus one comprising:</p> <ul style="list-style-type: none"> <li>• One councillor or delegated representative;</li> <li>• Five community or service provider representatives.</li> </ul> <p>Together with one officer as Secretariat.</p>
<p><b>8. Membership Criteria</b></p>	<p>Applications will be assessed against the specific criteria as follows:</p> <ul style="list-style-type: none"> <li>• Community members have lived experience of disability, with preferred ration: 60% people with disability, 20% family or carer of a person/s with disability or 20% local community organization/ service provider.</li> <li>• Represent diversity including age, gender, sexuality, ability, cultural background, intersectionality and geographic location.</li> <li>• Provide direct links to and active participation in their local community and/or relevant organisations by living, working or studying in Manningham.</li> <li>• Possess knowledge and understanding of the needs and issues addressed by MDAC.</li> <li>• Demonstrate commitment to actively and constructively contributing to MDAC with or without support (e.g. interpreting service).</li> <li>• Willingness and ability to engage in open and respectful discussions that add value to MDAC.</li> <li>• Availability to attend 80% of the meetings scheduled throughout the year.</li> <li>• Willingness to sign a Code of Conduct for Committee members and abide by the terms of appointment (see Section 10 below).</li> </ul>
<p><b>9. Membership Appointment</b></p>	<ul style="list-style-type: none"> <li>• Expressions of interest for the full MDAC membership will be sought in the local media, on Council's website or by invitation to relevant local or peak agencies or community organisations: <ul style="list-style-type: none"> <li>○ Nominations shall be submitted via the Council form (available on Council's website) within the advertised nomination period;</li> <li>○ Inclusive techniques will be used to ensure access for the broadest reach possible;</li> <li>○ Applicants will be supported to access, complete and submit the form in the way that best suits them;</li> <li>○ Applications will be assessed by officers and recommendations will be presented at a Council meeting for formal endorsement; and</li> </ul> </li> </ul>

<p><b>Membership Appointment (con't)</b></p>	<ul style="list-style-type: none"> <li>○ MDAC membership appointments will be made by Council and formally endorsed, based on appropriate membership mix responsive to the criteria above.</li> <li>● Casual vacancies that occur due to a 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: <ul style="list-style-type: none"> <li>○ Officers, in consultation with the chairperson, will make a recommendation to the Chief Executive Officer to appoint a suitable candidate to join MDAC for the remainder of the previous incumbent's term;</li> <li>○ Where there are no suitable candidates identified, a formal expression of interest and formal Council endorsement is required (as outlined earlier in Section 9); and</li> </ul> </li> <li>● Where a vacancy occurs within six (6) months of the current membership term expiring, and providing that a quorum is maintained, there is no requirement to fill the vacancy for the remainder of the term.</li> </ul>
<p><b>10. Membership Responsibilities</b></p>	<ul style="list-style-type: none"> <li>● Councillors are bound by the Councillor Code of Conduct.</li> <li>● Council officers are bound by the Employee Code of Conduct.</li> <li>● Committee members are bound by an Advisory Committee member Code of Conduct, which includes the following: <ul style="list-style-type: none"> <li>○ Act with integrity;</li> <li>○ Act with impartiality and exercise responsibility in the interests of the local community;</li> <li>○ Not seek to confer an advantage or disadvantage on any person, including one's self;</li> <li>○ Disclose any actual or perceived conflict of interest;</li> <li>○ Undertake Council values, WE ARE Manningham: <ul style="list-style-type: none"> <li>▪ Working Together;</li> <li>▪ Excellence;</li> <li>▪ Accountable;</li> <li>▪ Respectful; and</li> <li>▪ Empowered.</li> </ul> </li> <li>○ Take reasonable care of one's own health and safety and that of others;</li> <li>○ Commit to regular attendance at meetings, a minimum of 80%; Members should provide an apology, preferably in writing to the Chair and Secretariat as soon as they are aware that they cannot attend a meeting;</li> <li>○ Commit to active contribution to the work of MDAC;</li> <li>○ Committee members must defer any media enquiries to the Chairperson in the first instance and should not to respond as a representative of the committee;</li> <li>○ Committee members are also bound by Council's Social Media Policy and must not respond to any media enquiries, but refer same to the Chairperson or Secretariat; and</li> <li>○ Online behaviour should be consistent with the behaviours outlined above. Committee members must not engage in any conduct online that would not be acceptable in their workplace or that is unlawful. For example, do not make derogatory remarks, bully, intimidate, harass other users, use insults or post content that is hateful, slanderous, threatening, or discriminating.</li> </ul> </li> <li>● A breach of the Code of Conduct may result in MDAC membership terminating.</li> </ul>

<b>11. Appointment Terms</b>	<ul style="list-style-type: none"> <li>• Councillor representatives are appointed annually by Council.</li> <li>• Volunteer community representatives are appointed for the full four (4) year period:</li> <li>• A member of MDAC may resign at any time. Notice of resignation or change of service provider/organisation representation can be made at any time in writing to the Chairperson and the Secretariat;</li> <li>• Service providers and community organisations are able to appoint and/or substitute a representative at their discretion; and</li> <li>• If a committee member fails to attend three (3) consecutive meetings without giving prior notice, membership is deemed to have lapsed.</li> </ul>
<b>12. Committee Administration</b>	<ul style="list-style-type: none"> <li>• The Secretariat will be responsible for preparation of meeting agendas, minutes, reports and other administrative functions: <ul style="list-style-type: none"> <li>○ Each agenda must commence with an Acknowledgement of Country; and</li> <li>○ An agenda, prepared in consultation with the chairperson, will be circulated to Committee members a minimum of seven (7) days prior to the meeting.</li> </ul> </li> <li>• Secretariats will be experienced in minuting advisory committees and the public distribution of minutes; and/or provided with appropriate training.</li> <li>• Committee members should familiarise themselves with the agenda material prior to the meeting and come to meetings prepared and informed.</li> <li>• Draft minutes of the MDAC meeting will be circulated to committee members within two weeks of the meeting.</li> <li>• Confirmed MDAC meeting minutes will be placed on the Councillor Hub.</li> <li>• MDAC will submit a written report and/or presentation to Council by November each year; summarising the MDAC's activities and achievements for the preceding 12 months, and ensuring continued alignment with Council's strategic objectives.</li> <li>• The report on the Committees activities and achievements for the preceding 12 months will be published on the Council website.</li> </ul>
<b>13. Meeting Procedures</b>	<ul style="list-style-type: none"> <li>• Quarterly meetings will be pre-scheduled, at a time and place determined by the Chairperson in consultation with the Advisory Committee.</li> <li>• Additional meetings will be subject to approval by both the Chairperson and the relevant senior officer.</li> <li>• With the exception of co-opted members, meetings are closed to the general public.</li> <li>• Any councillor may attend any advisory committee meetings to observe.</li> <li>• Committee members provide advice, as far as practicable, on a consensus basis.</li> <li>• Committee members are supported by Council to participate in meetings remotely if unable to physically attend.</li> <li>• Committee members must not disclose information that they know, or should reasonably have known is confidential information.</li> <li>• 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.</li> <li>• Any actual or perceived conflicts of interests should be declared by councillors, committee members, or officers prior to the agenda item discussion, with the relevant Committee member leaving the room, with the declaration and absence recorded in the meeting minutes.</li> </ul>

<b>14. Review</b>	<ul style="list-style-type: none"> <li>• MDAC’s terms of reference, membership, and productivity will be reviewed at least once every four years to ensure currency and effectiveness.</li> <li>• The Councillor Chairperson is responsible for reporting to Council on the Committee’s progress and achievements on behalf of the Committee.</li> <li>• The terms of reference may be revoked at any time by Council.</li> <li>• The MDAC will sunset four years from the date of adoption.</li> </ul>
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<b>Definition of Key Terms</b>	Advisory Committee	<p>Manningham Council's <i>Advisory Committee Policy 2019 - 2023</i> defines the main function of an Advisory Committee as enabling stakeholder engagement that provides input and guidance to support quality decision making and in turn, the achievements of Council's goals and objectives under the Council Plan.</p> <p>Advisory Committees facilitate access to independent advice from external stakeholders and collaboration with the community on a range of matters. Advisory Committees generally have a lifespan beyond one year and are aligned with a Council plan or strategy.</p>
	Chairperson	The person appointed to facilitate an Advisory Committee meeting, in this case, a councillor.
	Co-opted membership	Appointment to membership of an Advisory Committee by invitation of the existing members.
	Council	The councillor group participating in decision making at a formally constituted Council meeting.
	Councillor	Elected representatives of Manningham Council.
	Disability	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.
	Intersectionality	The combination of various characteristics such as age, gender, cultural background, sexuality and ability that contribute to a person’s lived experience, and in some cases may lead to discrimination or disadvantage.
	Officer or Council Officer	An employee of Manningham Cty Council.
	Peak body	A non-government organisation that consists of individuals or smaller organisations that are united by a shared purpose.
	Quorum	The minimum number of Committee members required for a Committee meeting to proceed.
	Secretariat	The officer appointed to administer the Advisory Committee. This could be a senior Council Officer, either Director, Group Manager or Manager.
	Strategic	Relating to the goals and objectives contained within documents such as the Council Plan, and how to achieve them.

