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Ministerial Advisory Council on Women Terms of Reference and Guidelines

**Inclusion and Participation
Community Services Directorate**

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<https://www.communityservices.act.gov.au/women>xiii

Purpose

The ACT Ministerial Advisory Council on Women provides strategic advice to the Minister for Women on issues affecting women in the ACT; and to provide a link between the Minister for Women and women in the ACT community.

The work of the Council reflects the objectives of the *ACT Women's Plan 2016-26*. The Council will monitor the progress of achievements towards these objectives through consultation with women in the community and relevant organisations.

To achieve this, the Council will:

- Identify priorities relevant to women in the ACT in order to advise the Minister for Women and the ACT Office for Women;
- Liaise and consult with the community, service providers and key stakeholders to progress and provide feedback on the ACT Women's Plan;
- Provide regular advice to the Minister for Women towards the objectives of the ACT Women's Plan;
- Nominate a Council representative to provide advice to Government on family and domestic violence policy;
- Seek advice from women in the community, obtaining diverse views on policy changes and gauging their effects on women's lives;
- Establish and maintain cooperative networks with other Ministerial advisory bodies and relevant ACT Government agencies;
- Provide an annual report on the progress of work undertaken by the Council to the Minister for Women; and
- Develop an annual plan of the Council's proposed priorities and activities and submit that to the Minister for Women for review and endorsement.

Powers

- The Council is an **advisory body**, without legislated powers, but with the Minister's endorsement to respectfully consult with the community on their behalf and to report to them on relevant current issues and strategic planning; and to recommend policy or legislative changes, or other specific Government action.
- The Council Chair, and their delegates, can speak at community forums on behalf of the Minister, with the Minister's express permission.
- While the Community Services Directorate will regularly request the advice and assistance of the Council, the Directorate retains ultimate responsibility for community consultation and policy development.

Membership

Structure

The Council will have a **minimum of 10 to a maximum of 14** appointed members. This includes a Chair and a/two Deputy Chair/s. All members, including the positions of Chair and Deputy Chair/s, will be appointed by the Minister for Women.

Nomination

The Council will strive to include representation from a broad cross section of the community, including:

- Nominees or self-nominees from diverse women's organisations and peak bodies (across all/any positions/levels)
- People who satisfy the selection criteria but have less formal, or no, affiliations with women's organisations; and
- People who are representative of the diversity of women in the ACT community.

Applications to nominate will be considered on their merit, and the ability of the applicant to reflect the needs of women and girls in the ACT.

The selection criteria for the Council are:

- Demonstrated commitment to the advancement of women;
- Demonstrated knowledge of the interests, concerns and lived experience of women in the ACT community;
- Ability to consult and represent a wide range of views of women in the ACT;
- Commitment to participate fully in Council activities, in accordance with the Code of Conduct; and
- Ability to contribute to Council processes and consultation activities.

Composition and Representation

The Minister for Women may consider the whole composition of the Council when selecting members to ensure that the Council is as representative of women in the ACT as possible. Where appropriate, the Council should include women with disability, women of diverse cultural and linguistic backgrounds, Aboriginal and Torres Strait Islander women, women of different ages, women from the LGBTIQ+ community, women from different socio-economic circumstances and women from different locations across the ACT¹ (or their advocates).

Term of Appointment

- Appointments will normally be for two-year terms, unless otherwise determined by the Minister for Women;
- The Council may form Sub-Committees to work on specific tasks and / or co-opt individuals with expertise for particular tasks;
- The Minister has the power to appoint persons to casual vacancies in consultation with the Council; and
- Existing members may re-apply for a second term through a simple email or letter to the Council's secretariat to advise the Minister for Women, without the need for a full application, but with an updated biography, for the continuity of representation on the Council.
- Fully at the Minister's discretion, members who have already served two non-continuous terms with the Council may seek re-appointment for an

¹ '2.6.8. Government policy on boards and committees seeks to achieve and maintain 50% representation of women on all government boards and committees, and also increase the representation of Aboriginal and Torres Strait Islanders, people with a disability, persons from culturally and linguistically diverse backgrounds and community organisations', *ACT Government Boards and Committees Handbook 2009*, http://www.cmd.act.gov.au/_data/assets/pdf_file/0003/113583/boards-committees-handbook09.pdf

additional part or full term, on the grounds of capacity to represent specific community stakeholders and/or to maintain continuity of knowledge.

Eligibility

- Applicants must be ACT residents; work, study or volunteer in the ACT; or demonstrate another significant connection and commitment to the ACT.
- Members may only serve two consecutive terms but may apply for a non-consecutive third term.
- ACTPS employees are ordinarily eligible for appointment in a personal capacity, if there is minimal conflict between their duties to the Council and to the ACT Public Service.

Appointment

Members are appointed by the Minister, following recommendations from a selection panel, and the endorsement of Cabinet.

Appointment of Chair and Deputy Chair/s [or Co-chairs]

Any Cabinet endorsed member can subsequently be appointed by the Minister as Chair or Deputy Chair [or Co-Chair] without the need for further Cabinet endorsement.

Resignation

Members may resign from the Council at any time provided they notify the Minister for Women in writing, stating their intention to resign from the Council, with a copy to the Chair, at least four weeks prior to the date of resignation. The appointment of replacement members is at the discretion of the Minister for Women.

Roles & Responsibilities

Chair [or Co-chairs]

The Chair's main role is to facilitate orderly, courteous, respectful, open, constructive, innovative and participative discussion between members on matters within the Council's remit.

The Chair is ultimately responsible to the Minister for the operations of the Council.

The role of the Chair is also to:

- Act as a public spokesperson for the Council;
- Maintain a positive and constructive atmosphere at Council meetings by encouraging courtesy, respect and openness;
- Ensure that any action required is appropriately assigned; and
- Liaise with the Secretariat to develop meeting agendas and ensure the progression of actions arising from meetings.

Deputy Chair/s

The Deputy Chair's role is to act for the Chair in their absence; to attend forums on the Council business as the Chair's delegate; and to otherwise assist the Chair as necessary.

Ordinary Members

Members are expected to actively contribute to the work of the Council, which includes:

- Support the Chair and Deputy Chair/s.
- Participate in meeting discussions, community consultations and work projects; to advise the secretariat when they have completed agreed actions arising from previous meetings; and to maintain links with the community.
- While some members may be selected due to their knowledge and experience within community organisations, they are appointed as individuals to provide advice and opinions in the best interests of the ACT community, and not to represent an organisation.
- Acting in accordance with the provisions of these Guidelines.

Executive Committee

The Executive Committee consists of the Chair and the Deputy Chair/s. The Committee is responsible to the Minister for leading the Council in the development and execution of its work program (including overseeing the work of sub-committees) as well as other functions that may be delegated by the Council for its efficient operation. The Executive Committee meets as required with senior officers of the Directorate and the ACT Office for Women.

Support Persons

- People with disability may seek the Chair's agreement to have a support person attend meetings with them (to assist with physical needs or to advise members with intellectual disability).
- Other members may also seek the Chair's approval to have a support person attend meetings with them to advise them on Council processes, or to act as their translator.
- These support persons will not directly contribute to Council discussions or have voting rights.

Minister's Adviser

The Adviser will ordinarily have a standing invitation to general meetings as a guest; with their primary role at meetings being to clarify the Minister's position on issues and processes.

Standing Invitations

The Council may choose to extend a standing invitation to other persons/officers to assist in the operation of the Council e.g. the Senior Director of the ACT Government Office for Women. These persons will ordinarily only contribute to Council discussions when invited to do so.

Invited Speakers

The Council may invite guest speakers or advisers to specific meetings to assist it in better understanding specific issues within its remit e.g. Government officers explaining a relevant policy or program, or an academic explaining relevant current research findings.

Secretariat

Secretariat support to the Council will be provided by ACT Office for Women within the Community Services Directorate. The Secretariat is responsible for:

- Developing agendas (for Council meetings and other business involving the Directorate and members of the Council) in consultation with the Chair and Deputy Chair/s;
- Assisting Council members to prepare agenda papers and submit business to the Council;
- Distributing the agenda and meeting papers in appropriate formats;
- Taking minutes, clearing them with Council members, revising as needed, producing them in the required format and distributing them, normally within two weeks of a Council meeting;
- Monitoring action items arising from Council business and assisting in their implementation, including liaising between the Council and Government agencies;
- Supporting members to complete paperwork for reimbursement, ensuring information is verified (for example, meetings attended) and submitted to the Secretariat; and
- Arranging appropriate venues for meetings held outside CSD premises and arranging refreshments for meetings within budget.

Operation

General Meetings

- Meetings will ordinarily be held every two months and held at least four times per year. This may vary depending on the Council's workload. Working meetings (of the Council or Sub-Committees) may be convened if necessary, and work may be progressed out-of-session as required.
- Meetings are to be facilitated by the Chair, or in their absence, the Deputy Chair/s; or in their absence, a member.
- A draft agenda will be developed before each meeting by the Secretariat in consultation with the Chair and Deputy Chair/s as appropriate. In developing the agenda, consideration will be given to any priorities directed by the Minister to the Council. The agenda should have clear objectives that will advance the Council's work program.
- The agenda and related papers are to be circulated to members no less than one week before the meeting.
- Members who cannot attend a meeting must send their apologies to the Chair, directly or via the secretariat, explaining why they could not attend.
- Whenever possible, decisions are to be made by consensus. If consensus cannot be reached, decisions will be made by a majority vote of those members present.
- Where necessary, the Chair [or presiding Co-Chair], will use a casting vote to break a deadlock.
- A member who abstains from voting, or dissents from the majority ruling, can request to have their action/opinion recorded in the minutes of the meeting.
- Diversity of opinion on issues will be reflected in the advice provided to the Minister.
- Extraordinary meetings may be required to progress urgent and significant issues.

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- The Council may deal with some matters out-of-session, usually where feedback is sought from Council members on a non-policy issue.
- At each meeting, Council members are to provide brief reports on consultations they have attended or held and any significant issues arising.
- Following each meeting, minutes of the meeting and/or a report from the Chair are to be provided to the Minister for Women highlighting significant achievements arising from meetings.
- At least one Community Consultation Forum is to be held annually in partnership with the Minister for Women.

Quorum

For decisions to be made at meetings there is to be a quorum of no less than half the total current number of members plus one.

Sub-committees

- Sub-committees can be established to specifically work on key Council policy issues under the guidance and approval of the full Council; or to work on specific projects e.g. planning a consultation.

Consultations

- Council members are expected to undertake regular consultation with their community network to inform Council business. This may be done at routine meetings of community organisations, or through specially scheduled meetings, and should be reported to Council.
- The Council, as a body, is expected to undertake at least one community consultation within its term, with secretariat support, and in partnership with the Minister.

Official Business and Representation

- Members will be deemed to be on Council business when representing the Council at meetings and other forums; and when generally attending to the operation of the Council.
- The primary role of Council members is to provide policy advice to their Minister. While they should seek public feedback in the formulation of Council policy, they should not discuss Council policy in the public domain.
- Formal speeches and papers to be delivered by a member on behalf of the Council or the Minister; submissions to inquiries, committees and consultations; and other significant correspondence will be cleared through the Chair and Minister's Adviser prior to their presentation or submission.
- All contact with the media on behalf of the Council requires consultation with the Chair.
- Any information to be released to the media on behalf of the Council needs to be cleared through the Chair, and the Minister advised.
- If using social media in a private capacity, members must follow ACT Government social media guidelines regarding comment on government matters, including not giving the impression that they represent the views of the Council or the ACT Government, and being mindful of the confidentiality of Council papers and discussion.

A member will be deemed to be on official duties:

- While attending meetings of the Council; and
- While undertaking a task at the request of Council or as a representative of the Minister responsible for Women (these tasks could include representing the Council on other committees, working parties and seminars).
- Reasonable costs incurred by members during such activities will normally be met by the per diem Community Engagement payment but can be considered on a case by case basis. Member(s) on official business outside of meetings are expected to reflect the existing policies of the Council and shall report on the matter to the Council at the meeting following the event or by a report sent to the Council.

Business between meetings

- The Chair may write and sign letters and conduct business between meetings on behalf of the Council, and the Secretariat should be provided with copies of all correspondence. The Chair may delegate these operations to the Deputy Chair/s (or other members) as needed. All submissions and significant correspondence (for example, a response to a statutory body) should be cleared through the Chair and the Minister.
- Members are expected to advise the Secretariat when they have completed agreed actions arising from previous meetings.
- Council may deal with some matters out of session, usually where feedback is sought from Council members, rather than a policy decision. Where a matter requiring resolution is to be dealt with in an out of session paper, agreement by two thirds of Council members is required for assent.

Extended Leave of Absence

- Where a member is unable to attend a meeting, that member should submit an apology to the Secretariat (ACT Office for Women) stating the reason for the absence. Apologies must be accepted by Council resolution to be effective;
- An approved proxy will be accepted to replace absent organisational members;
- Aboriginal and Torres Strait Islander members of the Council are entitled to nominate a proxy to support them in their role on the Council;
- When the member attends, the proxy is an observer and may not vote. When the member is absent, the proxy may vote as an ex-officio member in place of the member;
- Members' appointments may be terminated if they fail to attend 3 consecutive meetings without leave from the Chair;
- Members may apply to the Council for a Leave of Absence for up to three months. The Council must agree to a request for a Leave of Absence for it to be effective; and
- Applications for a Leave of Absence for a longer amount of time may be submitted for acceptance at the Minister's discretion.

Code of Conduct

ACTPS Values and Signature Behaviours

Council members are expected to follow Section 9 of Public Sector Management Act 1994 on public sector conduct, and adopt the Values and Signature Behaviours of the ACT Public Service in their work:

1. We value **respect** by taking pride in our work; valuing the contribution of others; and relating to colleagues and clients in a fair, decent and professional manner.
2. We demonstrate **integrity** by doing what we say we'll do; responding appropriately when the unexpected occurs; taking responsibility for, being accountable for, our decisions and actions; our genuine engagement with the community; and managing the resources entrusted to us honestly and responsibly.
3. We demonstrate **collaboration** by working openly and sharing information to reach shared goals; taking on board other views when solving problems; and welcoming feedback on how we can do things better.
4. We demonstrate **innovation** by looking for ways to continuously improve our services and skills; and being open to change and new ideas from all sources.

Documentation outlining appropriate conduct in relation to ethical standards, conflict of interest and other issues is outlined in the *ACT Government Boards and Committees Handbook (2009)*, available from the ACT Office for Women or the Chief Minister and Cabinet Directorate at:

www.cmd.act.gov.au/data/assets/pdf_file/0003/113583/boards-committees-handbook09.pdf

In addition to the above, the following issues are also vital to the operation of the Council.

Active Participation

- Members are expected to attend all general meetings; read agenda papers; and periodically contribute agenda papers.
- They will also actively contribute to discussions, including questioning, with due diligence and in good faith, and in the best interests of the community.
- They are also expected to actively seek community feedback and advice in the normal course of their community engagement; and to occasionally attend, and contribute to, formal Council consultation forums.

Confidentiality

- All Council papers must be considered as confidential unless indicated otherwise by the Chair, or where the papers are already in the public domain.
- Members may occasionally also be provided with other confidential material, which they should not disclose to anyone outside the Council and should treat with the utmost care and discretion.
- Discussion within Council meetings must also be treated as confidential.

- Conflict of interest is defined as any instance where a Council member has a personal financial or other interest in matters under consideration, or proposed for consideration, by the Council. For example, a member might have a financial interest for themselves, family or friends in advice to government about specific service funding.
- A member must disclose to the Chair any situation that may give rise to a personal conflict of interest, a potential conflict of interest, or a potential perceived conflict of interest. The Chair will make the determination whether there are adequate grounds for excluding a member from any discussion or decision making regarding a specific issue.
- Where the Chair or a Co-Chair has the personal conflict, or the potential or perceived conflict, the Deputy [or other Co-Chair] will lead the discussion and make the appropriate determination.

Disciplinary Action

A member breaches the Code of Conduct by disregarding these professional conduct guidelines, including:

- conduct that causes imminent and serious risk to the health or safety of a person, or to the reputation or viability of the Directorate's business;
- theft or fraud;
- being intoxicated while on Council business; or
- other deliberate behaviour that is inconsistent with the continuation of their Council membership.

The member will be advised of any disciplinary action to be taken, and given two warnings, followed by immediate termination if a third breach occurs. The Minister will advise the member in writing of their termination.

Membership can also be revoked by the Minister where a member fails to adequately contribute to the Council's work by failing to attend three consecutive meetings, or missing 50% of meetings in a year, without accepted apologies or leave.

Remuneration

- The Chair will be paid per diem (which in effect means per Council meeting) at a rate determined by the current ACT Remuneration Tribunal Determination for Part-time Public Office Holders².
- The Deputy Chair and members are entitled to the Community Engagement Payment of the Community Services Directorate. Claims can be made up to six meetings per annum and should be made in a timely fashion. The Community Engagement Payment Policy and claim forms are available from the Council Secretariat. Payments will be coordinated by the Secretariat.
- Reimbursement is in recognition of the work undertaken by members of the Council to fulfil its role.

² <https://www.remunerationtribunal.act.gov.au/determinations>

Updating Terms of Reference

- The relevant Minister must approve these Terms of Reference as part of the Council's recruitment process; and they reserve the right to amend them at any time.
- The Minister may also direct that an independent evaluation be undertaken regarding the Council's performance, which may include a review of the Terms of Reference.

Suspension or Cessation of Council

- The Minister to whom the Council reports, reserves the right to suspend the work of the Council or to dissolve the Council at any time.
- The Minister may also direct that its work should be continued through another forum, including through another advisory council or forum.

Open Access Information Scheme

From 1 January 2018, the Freedom of Information Act 2016 (the FOI Act) came into effect. Under the FOI Act CSD is required to publish reports and recommendations prepared by MACW. To ensure full compliance by CSD under the FOI Act, MACW reports and recommendations must be provided to CSD (via the secretariat) no later than 30 days after finalisation of the document.

The secretariat will assess the document and apply a public interest test, which will examine the information in a document and identify factors for either public disclosure or non-disclosure.

The assessment and document will be approved by the relevant CSD OAIS Information Officer, being a staff member at Director level or above. Where information in a document is approved for public release it will be uploaded to the ACT Government OAIS portal. Where a Chair or member has specific public interest concerns about a report or recommendation, these need to be provided in writing by the Chair to the secretariat at the same time as the relevant report or recommendation is provided.

Contact details

Secretariat

Ministerial Advisory Council on Women

c/- ACT Office for Women

Inclusion and Participation

Community Services Directorate

Phone: 6205 5681

Email: women@act.gov.au

Website: <https://www.communityservices.act.gov.au/women>