



**ACT**  
Government

# Terms of Reference

Disability Advisory Council

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Health and Community Services Directorate

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# Introduction

This document sets out the roles and responsibilities for the Disability Advisory Council (DAC). It provides guidance on the DAC's purpose, roles, responsibilities, operations, tenure and obligations, in accordance with the *Disability Inclusion Act 2024* and broader ACT Public Service requirements.

## Role of the Disability Advisory Council

The Disability Advisory Council (DAC) has been established under the *Disability Inclusion Act 2024* (the Act) to provide advice to the Minister for Disability (the Minister) about issues affecting people with disability in the ACT. The DAC also provides a link between the Minister and the disability community.

In accordance with the Act, the DAC has the following functions:

- to advise the Minister about issues affecting people with disability, including about the following:
  - the National Disability Insurance Scheme
  - the rights of people with disability, including under the Convention on the Rights of Persons with Disability
  - building an inclusive community
- to foster cooperative relationships between people with disability, their families, their carers, relevant organisations, government and the community
- to exercise any other function given to the council under a territory law.

## Responsibilities of the Disability Advisory Council

### Planning and Reporting

The DAC must:

- develop an annual plan of its proposed activities and submit it to the Minister for endorsement
- publish a summary of issues discussed at each meeting, actions taken and priorities for the coming months
- consult across the community when developing advice
- prepare an annual report on their activities in accordance with section 25 of the Act
- conduct other activities as appropriate.

## Chair

The Chair will be a person with disability. The Chair will:

- represent the DAC, including in any public context
- facilitate orderly and constructive discussions between members on matters within the Terms of Reference (ToRs)
- assist members to work together as a group by:
  - facilitating discussion
  - ensuring all members have equal opportunity to contribute ideas, opinions and concerns
  - drawing participation from all members
- maintain a positive and constructive atmosphere at meetings by encouraging courtesy, respect and openness; to seek to resolve conflict within the group and provide feedback as necessary to group members on expressed opinions or actions
- liaise with the Secretariat to develop meeting agendas and ensure that any action required is appropriately assigned and progressed
- inform the Minister for Disability about the priorities and work of the group through meetings and correspondence.

## Deputy Chair

The Deputy Chair will act for the Chair in their absence, including:

- attend forums on the Council business as the Chair's delegate
- to otherwise assist the Chair as necessary.

## Ordinary Members

Ordinary Members are expected to actively and constructively participate in meeting discussions, community consultations and work projects; support the chair and deputy chair and 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.

## Powers of the Disability Advisory Council

The DAC 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 affecting people with a disability.

The DAC Chair, and their delegates, can speak at community forums on behalf of the Minister, with the Minister's express permission.

While the Health and Community Services Directorate (HCSD) will regularly request the advice and assistance of the DAC, HCSD retains ultimate responsibility for community consultation and policy development.

## Membership

### Structure

The DAC will consist of a minimum of 5 to a maximum of 12 members, including a Chair and Deputy Chair.

### Composition and Representation

Individual Ordinary members, including the position of Chair and Deputy Chair, will be appointed by the Minister, and must fulfil the following requirements in accordance with the Act:

- The appointed Chair must be a person with disability
- At least half the Ordinary Members must be people with disability
- At least 1 Ordinary Member must be, or have experience as, an unpaid carer of a person with disability
- At least 1 Ordinary Member is an Aboriginal or Torres Strait Islander person.

The Minister must take all practicable steps to ensure that the membership of the council reflects the diversity of the ACT community, including by considering the diversity in the community of:

- disabilities and impairments
- sexual and gender identities
- life experiences, including the experiences of veterans
- age groups
- cultural and linguistic identities, including Aboriginal or Torres Strait Islander identity
- socioeconomic backgrounds.

Aboriginal or Torres Strait Islander person means a person who:

- is a descendant of an Aboriginal person or a Torres Strait Islander person; and
- identifies as an Aboriginal person or a Torres Strait Islander person; and

- is accepted as an Aboriginal person or a Torres Strait Islander person by an Aboriginal community or Torres Strait Islander community.

## Eligibility

Members must be ACT residents; work, study or volunteer in the ACT; or demonstrate another significant connection and commitment to the ACT.

The Minister may appoint a person to the council only if the Minister is satisfied that the person:

- is a person with disability
- is the carer of a person with disability
- is committed to promoting disability inclusion
- represents a disabled people's organisation
- has expertise in relation to disability services and disability inclusion.

The Minister for Disability will formally appoint the Chair, Deputy Chair and Ordinary Members of the DAC, subject to endorsement by Cabinet.

ACT Public Service (ACTPS) employees are not eligible to apply.

## Terms of Appointment

An appointment must be for a term of no longer than 3 years. Members may serve a maximum of 2 consecutive terms or 3 non-consecutive terms.

It is the intention to stagger incoming membership in the future to provide continuity of work for the DAC.

## Resignation

Members may resign from the Council at any time. All resignations must be provided in writing to the Minister, stating their intention to resign, with a copy provided to the Chair. The appointment of replacement members is at the Minister's discretion.

# Operation of the Council

## General Meetings

- The DAC meets bi-monthly (six times per year).
- If a member is unable to attend a meeting, they are required to submit an apology to the Secretariat stating the reason for the absence. Apologies are noted in the Minutes.

- Proxies and/or observers will not be accepted to replace absent Cabinet endorsed members.
- A draft agenda will be developed prior to each meeting by the Secretariat in consultation with the Chair. In developing the agenda, consideration will be given to any direction provided by the Minister.
- The agenda and papers are to be circulated to members no less than one week prior to the meeting.
- Meetings are to be facilitated by the Chair, or in their absence the Deputy Chair.
- Whenever possible, decisions are to be made by consensus. If consensus cannot be reached, decisions will be made by a majority vote of members.
- A member who does not agree with the majority ruling, can request to have their concerns noted in the minutes of the meeting.
- Diversity of opinion on issues will be reflected in the advice provided to the Minister.

## Quorum

For decisions to be made at meetings there is to be a quorum of at least half the total current number of members, plus 1.

## Business between meetings

The Chair may conduct business between meetings on behalf of the DAC, including the preparation of correspondence. The Chair may delegate this to other members, as required. All submissions and significant correspondence must 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.

Extraordinary meetings may be required to progress urgent and significant issues e.g. to more fully discuss a key Council submission to the ACT or Australian Government.

The DAC may deal with some matters out-of-session, usually where feedback is sought from DAC 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 DAC members is required for assent.

## Sub-committees

Members may form working groups, sub-committees and/or co-opt individuals with expertise for particular projects or issues. Members participating in working groups and sub-committees will be remunerated. Member remuneration and secretariat support is budget and resource dependant.



## Official Business and the Representation of Council Views

Members will be deemed to be on DAC business when representing the DAC at meetings and other forums; and when generally attending to the operation of the DAC.

When representing the DAC members must represent existing DAC policy in the public domain, including the media, as needed to achieve the DAC's workplan.

Members must report back to the DAC on official activities.

Formal speeches and papers to be delivered by a member on behalf of the DAC or the Minister; submissions to inquiries and committees; and significant correspondence will be cleared through the Chair or the Minister respectively prior to their presentation or submission and a copy made available to the Secretariat.

All contact with the media on behalf of the Council should only be by the Chair or following explicit delegation from 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.

If operating in the public domain, including using social media, in a private capacity, or as the representative of another organisation, 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 DAC or the ACT Government, and being mindful of the confidentiality of DAC papers and discussion.

## Support Persons

People with disability may seek the Chair's agreement to have a support person attend meetings with them. 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 Minister's 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 DAC may choose to extend a standing invitation to other persons/officers to assist in the operation of the DAC e.g. the Manager of the relevant ACT Government policy unit. These persons will ordinarily only contribute to DAC discussions when invited to do so.

Following consultation between the DAC and the Minister, standing invitations will be provided to disability peoples organisations or organisations providing disability services in recognition of their knowledge of the broader disability sector and the expertise they bring to discussions.

## Invited Speakers

The DAC 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 DAC will be provided by the Office for Disability in the Community Services Directorate. The Secretariat is responsible for:

- developing agendas in consultation with the Chair
- distributing the agenda and meeting papers in appropriate formats
- taking minutes and distributing them to Council members
- monitoring action items arising from Council business and assisting in their implementation, including liaising between the Council and Government agencies
- arranging venues and refreshments for meetings
- supporting members to complete paperwork for remuneration/reimbursement
- support the delivery of the Council's workplan
- developing a summary of key issues and actions after each meeting in consultation with the Chair and making them publicly available at on the Council's website.

## Confidentiality

All Council papers must be considered as confidential unless indicated otherwise, or where the papers are already in the public domain. The Council may choose to publicly release certain documents with agreement of the Minister and in line with the requirements of the Freedom of Information Act 2016.

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.

## Open Access Information Scheme (OAI)

From 1 January 2018, the *Freedom of Information Act 2016* (the FOI Act) came into effect. Under the FOI Act HCSD is required to publish reports and recommendations prepared by DAC.

To ensure full compliance by HCSD under the FOI Act, DAC reports and recommendations must be provided to HCSD (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 for public release it will be uploaded to the ACT government OAI 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.

## Leave of Absence and Apologies

Where a member is unable to attend a meeting, that member should submit an apology to the Secretariat stating the reason for the absence. Apologies are noted in the minutes.

Proxies and/or observers will not be accepted to replace the absent member, other than as noted under 'General Meeting'.

If a member fails to attend 3 consecutive meetings without leave from the Chair, their term may be cancelled.

Members can seek leave of absence for up to three consecutive months from the Chair. This must be agreed to by the DAC for it to be effective.

For a period of absence of longer than 3 months from DAC responsibilities, the request must be submitted to the Minister for agreement.

## Remuneration

Cabinet endorsed members will be paid per diem at a rate determined by the ACT Remuneration Tribunal.

Remuneration is in recognition of the work undertaken by members of the DAC to fulfil its role. Members are expected to actively contribute to the work of the DAC, including: supporting the

Chair and Deputy Chair; taking part in community consultations and other business; and maintaining links with the community

Members are remunerated for up to 6 meetings per year.

Remuneration will be agreed in advance of out-of-session forums and engagement.

## Code of Conduct

DAC members are expected to follow Section 9 of *Public Sector Management Act 1994* in performing their duties and adopt the values and Signature behaviours of the ACT Public Service in their work. In addition, a code of conduct specific to the council has been developed.

### ACTPS Values and Signature Behaviours

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.

### Active Participation

Members are expected to attend all general meetings, read agenda papers, and periodically contribute to 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 DAC consultation forums.

## Conflict of Interest

Conflict of interest is defined as any instance where a DAC member has a personal, financial or other interest in matters under consideration, or proposed for consideration, by the DAC.

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 has the personal conflict, or the potential or perceived conflict, the Deputy Chair will lead the discussion and make the appropriate determination.

The Minister has the discretion to suspend or terminate a member's appointment if there is an identified conflict of interest or a breach of the Code of Conduct.

Further information on Conflict of Interest can be found on the Chief Minister, Treasury and Economic Development in [Governance Principles - Appointments, Boards and Committees - Cabinet and the Assembly](#)

## 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; or being intoxicated while on DAC business; or
- other deliberate behaviour that is inconsistent with the continuation of their DAC membership.

The member will be advised of any disciplinary action to be taken.

## Termination

The Minister may end the appointment of a council member—

- for misconduct; or
- if the Minister is satisfied that the member is, or is likely to be, unable to effectively exercise the member's functions; or

- if the member is absent, other than on leave approved by the Minister, from 3 consecutive meetings of the council.

## Review and Assessment of the Council

The Minister must approve the TOR and they reserve the right to amend them at any time.

ToR shall be reviewed within 12 months of the appointment of members following the establishment of the Council, and every two years thereafter.

The Minister may also direct that an independent evaluation be undertaken regarding the Council's performance, which may include a review of the ToR.

## Dissolution of the Council

The Minister may suspend or dissolve the DAC at any time by notice in writing to members.

## Contact Details

Secretariat

### **Disability Advisory Council**

Office for Disability

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