

ACT Lesbian, Gay, Bisexual, Trans, Intersex, Queer and Asexual (LGBTIQA+) Ministerial Advisory Council

Terms of Reference and Member Governance
Charter



Acknowledgement of Country

The Health and Community Services Directorate acknowledges the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region.

We respect the Aboriginal and Torres Strait Islander people, particularly our Aboriginal and Torres Strait Islander staff, and their continuing culture and contribution they make to the Canberra region and the life of our city.

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Terms of Reference

Role

The Territory's Lesbian, Gay, Bisexual, Trans, Intersex, Queer and Asexual + (LGBTIQA+) Ministerial Advisory Council (the Council) provides strategic advice to the ACT Government on issues affecting LGBTIQA+ Canberrans. LGBTIQA+ is used respectfully to include all people of diverse sex, gender, variations of sex characteristics or sexual orientation. The plus symbol is a reminder that the acronym is not intended to limit this to those who are lesbian, gay, bisexual, trans and gender diverse, intersex, queer, asexual, aromantic and/or agender.

The work of the Council reflects the goal of the ACT Government to keep Canberra the most LGBTIQA+ welcoming and inclusive city in Australia. The Council monitors progress of achievements towards this goal by listening to, and conveying the views of, LGBTIQA+ Canberrans in their advice to government.

The Council:

- Provides advice on matters referred by the responsible Minister, the Office of LGBTIQA+ Affairs or raised through community consultations by liaising and consulting with LGBTIQA+ Canberrans.
- Disseminates and communicates (in person, electronically or otherwise) information to community interest groups on the business of the Council.
- Seeks advice from LGBTIQA+ Canberrans, obtains diverse views on existing or proposed priorities developed by the ACT and/or other Governments, including their potential impacts on the lives of LGBTIQA+ Canberrans.

- Alerts the responsible Minister to relevant emerging issues, potential risks and opportunities.
- Establishes and maintains cooperative networks with other ministerial advisory councils and relevant ACT Government agencies.
- Provides an annual report on its work program to the responsible Minister.

Powers

The Council is an advisory body, without legislated powers, but with the Minister's endorsement to respectfully consult with the community and to report to the Minister on relevant current issues and strategic planning; and to recommend policy or legislative changes, or other specific actions. Should the Council wish to make a submission to an inquiry (outside the course of providing advice to the Minister), a copy of the submission should be provided to the Minister prior to it being submitted.

Membership

Structure

The Council consists of a minimum of seven (7) to a maximum of 13 members, including a Chair and Deputy Chair/s. All members, including the positions of Chair and Deputy Chair/s, are appointed by the Minister. One (1) Chair and a maximum of two (2) co-Deputy Chairs can be appointed.

Composition and representation

The composition of the Council should facilitate and reflect the participation of

Canberrans of diverse backgrounds, sex, gender, sexual orientation, bodies and/or relationships who satisfy the selection criteria. Membership should facilitate participation of Aboriginal and Torres Strait Islander peoples, people from culturally and linguistically diverse backgrounds including those on temporary visas, people with disability and people from different socio-economic backgrounds and locations.

One position on the Council is an identified position for an Aboriginal and Torres Strait Islander LGBTIQ+ person.

Selection criteria

- Demonstrated knowledge of the interests and concerns of LGBTIQ+ Canberrans and stakeholders, recognising that each member may have expertise with one or more specific communities within the LGBTIQ+ acronym.
- Demonstrated skills to use their lived experience to consult and engage with diverse LGBTIQ+ communities in Canberra and demonstrated ability to run genuine consultations.
- Demonstrated commitment to an inclusive community.
- Commitment to participate fully in Council activities.
- Ability to contribute to Council processes and consultation activities.

The Office for Women and Youth Engagement, Multicultural ACT, the Office for Aboriginal and Torres Strait Islander Affairs and the Office for Disability will be consulted prior to appointments being made.

ACT Public Servant employees are ordinarily eligible for appointment in a personal capacity if there is minimal conflict between their duties to the Council and their role within the ACT Public Service.

Terms of appointment

Appointments will be for up to 3 years, unless otherwise determined by the Minister.

No member may serve more than two terms.

Members completing their first term can participate in a merit selection process to seek a second term.

The Minister will aim, where possible, for a 50% rotation of members each term.

The Minister has the power to appoint persons to casual vacancies in accordance with the selection criteria.

Leave of absence and apologies

Where a member is unable to attend a meeting, that member should submit an apology to the Secretariat (Office of LGBTIQ+ Affairs at the Health and Community Services Directorate) and the Chair stating the reason for the absence.

Where the Chair is an apology, a Deputy Chair will assume their role.

Where a member does not submit an apology and does not attend a meeting, they will be recorded as absent.

Proxies and/or observers will not be accepted to replace the absent member.

Members' terms may be cancelled if they fail to attend three (3) consecutive meetings (regardless of whether an apology has been recorded).

Members may apply to the Chair for a Leave of Absence of up to three months from the Council. The Chair may grant any such application if it is permissible within the operational needs of the Council. The Chair must apply to the Minister for a Leave of Absence.

Applications for a Leave of Absence for longer than three months must be submitted to the Minister and will be granted at the discretion of the Minister. Where a leave of absence has been granted for more than three months,

the Minister may appoint a casual replacement for the duration of the leave granted.

Vacation of office

Members may resign from the Council at any time provided they notify the Minister 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.

Roles and responsibilities

Chair

The role of the Chair is to:

- Act as a public spokesperson for the Council.
- Facilitate orderly and constructive discussions between members on matters within the Council's Terms of Reference.
- Assist members to work together as a group by facilitating discussion; ensuring all members have equal opportunity to contribute ideas, opinions and concerns; and drawing participation from all members.
- Maintain a positive and constructive atmosphere at Council meetings by encouraging courtesy, respect and openness.
- Ensure that any action required is appropriately assigned.

Deputy Chairs

The role of the Deputy Chairs is to:

- Show initiative and leadership in performing the role of Deputy Chair of the Council;

- Attend and fully participate in Council business as the Chair's delegate (when required);
- Lead the development of the Council's work plan including consultations;
- Lead specific projects including out of session Council work;
- Act in the best interest of Council business and the LGBTIQ+ community in line with the ACTPS Code of Conduct.
- Act in the of role of Chair of the Council as required.

Executive Committee

The Executive Committee consists of the Chair and the Deputy Chairs and is responsible to the Minister for leading the Council in the development and execution of its work program.

It is expected that the Executive Committee will meet out-of-session in preparation for regular Council meetings.

General Members

Members are expected to participate in meetings, community consultations and work projects; advise the Secretariat when they have completed agreed actions arising from previous meetings; 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.

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.

Secretariat support

Secretariat support to the Council will be provided by the Health and Community Services Directorate, namely the Office of LGBTIQ+ Affairs. 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.
- Arranging appropriate venues for meetings and arranging refreshments for meetings within budget.

Operations

General meetings

- The Council meets 4-6 times per year. Additional out-of-session meetings may be formed if necessary.
- 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 tasks/requests for advice from 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 prior to the meeting.
- Meetings are to be facilitated by the Chair, or in their absence, a Deputy Chair; or in their absence, a member. Whenever possible, decisions of the Council are to be made by consensus, or if consensus cannot be reached, by a majority vote of those members present. Diversity of opinion on issues will be reflected in any advice provided to the Minister.
- A member who abstains from voting or dissents from the majority ruling can request to have their action recorded in the minutes of the meeting.
- At each meeting, Council members are to provide brief reports on consultations they have attended or held and any significant issues arising.

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.

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 a Deputy Chair (or other members) as needed. All submissions and significant correspondence (for example, a response to a statutory body) should be cleared through the Chair.

Members are expected to advise the Secretariat when they have completed agreed actions arising from previous meetings.

Out of session matters

Council may deal with matters out-of-session.

Where an urgent response is required from Council members between meetings, the Chair must endeavour to alert members to the relevant business via email, text message or other appropriate means, providing a clear timeframe for response.

Where a matter requiring resolution is to be dealt with out of session, agreement by two thirds of Council members is required for assent.

The Council may form sub-committees to undertake specific work and/or co-opt individuals with expertise for certain tasks.

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 wide consultation per annum, with secretariat support, and in partnership with the Minister.

Official business and the representation of Council views

The Chair and the Deputy Chair/s will be deemed to be on Council business when

representing the Council at meetings and forums and when attending to the operation of Council and meeting with ACT Government representatives and such other business as may reasonably be required in discharging the Council's Terms of Reference. The Chair and the Deputy Chair/s may represent existing Council policy in the public domain, including the media, as needed to discharge the Council's Terms of Reference.

A member will be deemed to be on official duties:

- While attending meetings of the Council
- While undertaking a task at the request of Council or as a representative of the Minister (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.

Formal speeches and papers to be delivered by a member on behalf of the Council or the Minister; submissions to inquiries and committees; and significant correspondence will be cleared through the Chair prior to their presentation 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 pursuant to explicit delegation from the Chair. Any information to be released to the media on behalf of the Council will need to be cleared through the Chair.

Code of Conduct

Confidentiality

Unless indicated otherwise, all Council papers, documents and minutes are confidential.

Members may, on occasion, 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.

Breach of these confidentiality requirements may result in termination of a member's appointment, at the discretion of the Minister.

Final documents, minutes and decisions can be made available to the public under the Open Government Policy.

Conflict of interest and code of conduct

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

Council members are expected to observe the highest standards of ethical conduct, including honesty, courtesy, fairness and conflict of interest, as outlined in:

- the *ACT Public Service Code of Conduct* (2022),
https://www.cmtedd.act.gov.au/_data/assets/pdf_file/0018/2004921/ACTPS-Code-of-Conduct-2022.pdf
- the *Governance Principles – Appointments, Boards and Committees in the ACT*,
https://www.act.gov.au/_data/assets/pdf_file/0004/1045984/Governance-Principles-Appointments-Boards-and-Committees.pdf

A member must disclose to the Chair any situation that may give rise to a 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 related discussion or decision making regarding a conflict-of-interest issue.

Conflicts of interest that may be sufficient to justify the termination of a member's appointment must be considered by the Minister. In such a situation, the Chair has the power to suspend the person's membership until the Minister's agreement is obtained.

Termination

The Minister retains the discretion to terminate a member's appointment to the Council upon notice of not less than four weeks for reasons including breach of confidentiality, breach of attendance requirements, failure to disclose a conflict of interest and/or breach of the Code of Conduct.

Remuneration

Members and the Chair of the Council are paid per diems for each meeting as determined by the ACT Remuneration Tribunal per diems. ACT Government also makes superannuation payments on paid per diem amounts.

The Deputy Chair/s are paid member's rate of per diems unless they are acting in the Chair's role. Payments are coordinated by the Secretariat.

Per diems are paid in recognition of the work undertaken by members of the Council to fulfil its role. Members are expected to actively contribute to the work of the Council, including supporting the Chair and Deputy Chair; taking part in community consultations and other business; maintaining links with the community; and acting in accordance with the provisions of these Guidelines.

Contact details

Secretariat

ACT LGBTIQ+ Ministerial Advisory Council
Health and Community Services Directorate

Address: GPO Box 158
CANBERRA ACT 2601

Email: LGBTIQACouncil@act.gov.au

Website:
<https://www.act.gov.au/directorates-and-agencies/health-and-community-services-directorate/office-of-lgbtqa-affairs>

Member Governance Charter

This Charter operates in conjunction with the Council's formal Terms of Reference.

Individual Responsibility	Members acknowledge that they are appointed as individuals, not organisational representatives, and that they are individually accountable for adhering to the charter set out below.
Respect and Courtesy in all Dealings	Members must be respectful in all their dealings with other Members, the Secretariat and any individuals with whom they meet through their Council role. All members agree to maintain a positive and constructive atmosphere at Council meetings by encouraging courtesy, respect and openness. Council members are expected to observe the highest standards of ethical conduct, including honesty, courtesy and fairness as outlined in the 'ACT Public Service Code of Conduct' (2022).
Confidentiality	Members acknowledge that unless otherwise indicated, all Council papers and minutes are confidential. From time to time, Council may decide that certain information will be marked for release. Such decisions must be minuted. Because of their Council role Members may, on occasion, be provided with other confidential material, which they should not disclose outside of the Council and should treat with the utmost care and discretion.
Conflicts of Interest	Members must disclose to the Chair any situation that may give rise to a conflict of interest, a potential conflict of interest, or a potential perceived conflict of interest. The Chair will decide as to whether there are adequate grounds for excluding a member from any related discussion or decision-making process.
Quorum	Members note that at meetings, decisions may only be made when there is a quorum of no less than half the total current members plus one.
Apologies	Where a member is unable to attend a meeting, that member must submit a timely apology to the Secretariat stating the reason for their absence.

Out-of-Meeting Business	Council may deal with some matters out of session. Where an urgent response is required from Council members between meetings, the Chair must endeavour to alert members to the relevant business via email, text message or other appropriate means, providing a clear timeframe for response. Members agree, where possible, to respond within this timeframe, at a minimum confirming that they have received the correspondence and preferably providing feedback or a 'nil comment' response.
Media Engagement	All contact with the media on behalf of the Council should be by the Chair, or pursuant to explicit delegation from the Chair. Any information to be released to the media on behalf of the Council must be cleared through the Chair.