

Disability Advisory Committee

Terms of Reference



1. Purpose

The Disability Advisory Committee (DAC) is a committee of the Mornington Peninsula Shire Council. Its purpose is to advocate, advise, and make recommendations to Council on issues impacting people with disability and their carers within the local and broader community. The DAC seeks to promote access, inclusion, and the full participation of people with disability, supporting the implementation of the Shire's "We All Belong: Towards an Inclusive Mornington Peninsula 2024–2029" strategy.

2. Objectives

- To work with Council to ensure policies, programs and services are inclusive of and accessible to people with disability and their carers, upholding their needs and rights.
- Provide central, representative advice to Council and the community on matters affecting people with disability, helping to identify barriers, solutions, and opportunities for improved access and inclusion.
- Advise on, support, and monitor the implementation and evaluation of the "We All Belong" strategy, promoting accountability and progress toward measurable outcomes for access and inclusion.
- Encourage and enable direct involvement of people with lived experience of disability, and carers, in Council processes, ensuring their voices guide and inform all decision-making.

3. Context

The Mornington Peninsula Shire Council is required under the Victorian Disability Act 2006 to adopt a Disability Action or Inclusion Plan at least every four years. This ensures Council identifies and addresses barriers to access, participation, and inclusion for people with disability. The DAC operates within the framework of current federal and state legislation, including the Disability Discrimination Act 1992 and the National Disability Strategy. The Committee's

work is guided by the Shire's "We All Belong: Towards an Inclusive Mornington Peninsula 2024–2029" strategy, which commits the Shire to creating an inclusive community where everyone has equitable opportunities to participate in all aspects of life. We All Belong incorporates Council's Disability Action Plan. Each purpose stated in the Act is addressed through priorities within the Strategy, which then guide the development and implementation of actions within the annual action plan, taking a whole of council and community approach.

4. Roles, Responsibilities and Expectations

4.1 Membership and Appointment

4.1.1 Councillors – Up to Two Councillors will be appointed to Advisory Committees at the establishment of the committee and thereafter for a term of 12 months.

4.1.2 Community Members – up to 11 Community representatives will be appointed by Council through a registration of interest and selection process:

- Expressions of interest will be sought by public notice in accordance with Council's Community Engagement Policy Council will appoint the committee members to the advisory Committee at an Ordinary Meeting Every effort will be made to ensure a representative cross section from across the Shire are appointed to the Advisory Committee.
 - At least seven (or a majority) community representatives who have lived experience of disability
 - Up to two community representatives who are carers or close family members of someone with disability
- Appointment to an advisory Committee will be for a maximum term of three years with opportunity to nominate for a further three year term.
- A community member can only be a member of one Mornington Peninsula Council advisory committee
- Where practicable the rotation of committee members will be staggered to ensure continuity and maintain the effective functioning of advisory committee.

4.1.3 Industry or Professional Representatives – Up to Two Industry

Professionals may be appointed to Advisory Committees for a maximum term of two.

- Expressions of interest will be sought by public notice in accordance with Council's Community Engagement Policy
- Council will appoint the committee members to the advisory Committee at an Ordinary Meeting
- Industry or professional representatives are expected to represent the views of their supporting organisation.

4.1.4 Appointment of Chair and Deputy Chair:

- The Chair of the Disability Advisory Committee must be a Community Member.
- The Chair and Deputy Chair will be appointed by majority vote of the committee, being half of the total number of members present plus one.
- Nominees must consent to being nominated and must be seconded by another Committee member.
- If there is more than one nomination for either position a secret ballot will take place.
- The new Chair and Deputy Chair will be announced, commencing the duties immediately.
- The term of office is to be one year. Both incumbents can reapply to serve one further year

4.2 Roles and Responsibilities

4.2.1 Chair – The Chair is responsible for:

- Set the Agenda making sure that each meeting is planned effectively
- Leading the meeting and ensuring the meeting stays on track and on time
- Ensuring fairness and equality to allow everyone to speak
- Approval of the meeting minutes
- Presentation of the meeting minutes to the next available Council Meeting through the appointed Councillor.

4.2.2 Deputy Chair – The Deputy Chair is responsible for:

- Leading the meeting and ensuring the meeting stays on track and on time in the absence of the Chair
- Support the Chair to carry out their role
- In the event of an early vacation of the Chair role, the deputy Chair shall succeed them as interim Chair until the November Meeting.

4.2.3 Committee Member – Community members must bring their own personal views to Committee discussions and not be answerable to any other organisation.

4.2.4 Councillors – Councillors serve as a vital link between the community and the formal council decision-making process, ensuring that local voices are heard and considered. In fulfilling their duties, councillors are expected to uphold confidentiality in accordance with their official responsibilities. If they choose, councillors may also present delegate reports during council meetings to share insights or updates from their involvement in advisory committees.

4.2.5 Shire Officers – The CEO approved shire officer is responsible for:

- Support the Chair and be responsible for overseeing the Committee Meetings and assist in setting agenda.
- Be the primary contact for all Committee Members in relation to the business of the committee.
- Will conduct recruitment for the committee in line with the Committee Management Policy.

4.2.6 Industry/ Professional Representatives – Industry/Professional Representatives are appointed to provide subject-matter expertise and insights relevant to the committee's focus area. Their role is to contribute professional knowledge, represent industry perspectives, and support informed decision-making.

4.3 Resignation or Termination

- A member of an Advisory Committee can resign at any time. A notice of resignation must be provided in writing to the Chair, CEO, or the officer responsible for managing the Advisory Committee.
- If a Committee Member misses three consecutive meetings without leave or a reasonable explanation, they may be asked to explain. If absenteeism continues, the Chair may request the CEO to declare the position vacant.

- If a Committee Members fails to comply with the Code of Conduct outlined in the Committee Management Policy the Chair may request the CEO to declare the position vacant.

5. Grievance Procedure:

5.1 Informal Resolution

- Committee members are encouraged to raise issues directly with the person involved in a respectful manner.
- If uncomfortable doing so, the member may approach the Committee Chair or Supporting Officer to seek assistance in resolving the matter informally.

5.2 Formal Grievance

If the matter cannot be resolved informally:

- The grievance should be submitted in writing to the Chair or the Supporting Officer.
- The written grievance should include a description of the issue, relevant dates, and any attempts at informal resolution.

5.3 Initial Review

- The Chair (or Supporting Officer if the grievance involves the Chair) will review the grievance within 10 business days.
- They may meet with the parties individually to clarify the issue and explore resolution options.

5.4 Determination and Action

- Outcomes may include mediation, changes to committee processes, or where appropriate, a recommendation to Council or the CEO for further action.
- Where a breach of the Code of Conduct is substantiated, the CEO may recommend removal of a committee member, in line with the Committee Management Policy.

5.5 Appeal

- If the member is not satisfied with the outcome, they may request a review by the Manager Governance and Risk.
- The Manager Governance and Risk's decision is final.

6. Code of Conduct:

All members shall conduct committee meetings in accordance with the Code of Conduct and the following guidelines:

- Act in the best interests of the committee and not allow personal interests to override these interests.
- Avoid and / or disclose any real or perceived conflicts of interest.
- Treat all people equally and fairly.
- Refrain from using any circumstance or information connected to committee business for personal profit or gain.
- Protect and promote the integrity of all.
- Respect diversity.
- Treat others with courtesy, consideration, and sensitivity
- Any disagreements, where possible, to be resolved at time of meeting.
- Develop skills and competencies in accordance with responsibilities and help others to do so.
- Communication best practice will be used by members in both terminology and email etiquette (“Netiquette”)

7. Decision Making

Advisory Committees operate in an advisory capacity and do not have delegated authority to make decisions. Their primary role is to provide informed advice and recommendations to Council and Shire officers, contributing to the broader decision-making process. While these recommendations may inform policy and operational decisions, they are not binding and must be considered and endorsed by Council or officers with the appropriate delegation and authority.

Shire officers may implement recommendations if they fall within their delegated powers and align with the Committee’s advice. However, Advisory Committees must operate within the boundaries of their agreed scope, as defined in this Terms of Reference. They are not permitted to make

recommendations on matters beyond this scope, ensuring that their input remains focused and relevant to their designated areas of responsibility.

8. Committee Meetings

8.1 Schedule of Meetings

- The Committee will meet monthly, from February to November, unless circumstances require otherwise. Meetings will be held at one of the Shire offices in Mornington, Hastings or Rosebud, or online via video conferencing
- Meeting dates and times will be decided at the first meeting of the year and calendar invitations sent out by the Disability Community Inclusion officer.

8.2 Quorum and Voting

- A quorum for a meeting is constituted by a majority of Committee Members, being half of the total number of members plus one.
- A Meeting cannot commence, resume or continue without a quorum.
- Community Members are the only members with voting rights.
- In the event of the votes being tied, the Chairperson shall have a second or casting vote.

9. Agendas and Minutes

9.1 Agendas

- Agendas and minutes must be prepared using the appropriate corporate template by the Supporting Officer.
- Agendas will be provided to all Committee Members five business days before the meeting. This will include any relevant documentation to be discussed.
- Agendas will be set by the Chair in consultation with the responsible CEO approved delegate.

9.2 Minutes

- Minutes will be recorded on the Shire's corporate template and circulated within two weeks of the meeting and be listed on the agenda for the next advisory committee meeting for endorsement.
- The Supporting Officer is responsible for the follow-up and timely completion of any actions arising from the meeting and provide an update on the status of any outstanding actions at the next meeting.
- Minutes will be made available on Councils Website following confirmation by the committee.

10. Reporting

Annual Work Plan – The Committee is required to formulate an annual work plan that aligns with the Council plan and sits within the objectives of the committee

Annual Report – Advisory Committees are required to prepare a formal report on an annual basis in line with their objectives set out above. The report must be approved by the committee then provided to officers who will include it in the next available Ordinary Council Meeting for noting.

Delegates Report – Councillors may provide a delegates report or update to Council at any Ordinary Council meeting

11. Transparency

The Terms of Reference, Names of all members, adopted minutes and annual reports will be made available on the Mornington Peninsula Shire's website.

12. Confidential Information

Committee members must not disclose information that they know or should reasonably have known is confidential information.

13. Conflict of Interest

If a committee member has a general or material conflict of interest within the meaning of section 127 and 128 of the Local Government Act 2020 in an item to be considered or discussed by the Committee while they are in attendance, the Committee Member must disclose the interest to the committee before the matter is considered or discussed at the meeting. The committee member must:

- Advise of the conflict of interest
- Explain the nature of the conflict of interest

- Provide any additional relevant details, if possible.

Where the Chair is of the opinion that the circumstances of the conflict warrant it, the Committee Member may be asked to leave the meeting while the matter is discussed.

All conflicts of interest will be recorded in the Committee Meeting minutes.

14. Expenses

Committee members may be reimbursed for reasonable out-of-pocket expenses incurred during their committee duties, with prior approval from the Supporting Officer. Reimbursements will be made in accordance with Council's policy and within the allocated budget.

15. Dissolution

This advisory committee will cease to exist three years following adoption of this terms of reference, unless formally re-established by council.

The Disability Advisory Committee will sunset on 30 June following a General Election unless it has been re-established within the new Council term.

Formal dissolution of the committee requires a resolution of Council.

16. Review

The Disability Advisory Committee Terms of Reference will be reviewed every four years or more often as required.

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively. However, any change or update which materially alters the document must be by resolution of Council.

17. Definitions

Advisory Committee	An advisory committee is any committee established by Council that provides advice to Council or any member of Council staff who has been delegated a power, duty, or function under the Act.
Committee Member	Means a person appointed to a Council Committee and includes Councillors, Community Members, Organisational representatives, and Shire officers.
Community Member	Means a person appointed to a Council Committee to represent their own views.
Conflict of Interest	As defined in the Local Government Act 2020.
Majority	More than half of the total number of people entitled to vote or make a decision.
Quorum	the minimum number of members of an assembly or society that must be present at any of its meetings to make the proceedings of that meeting valid.
Sunset	The automatic expiry or termination of a body, program, or policy on a specified date, unless it is formally renewed or re-established.