ACT MINISTERIAL ADVISORY COUNCIL ON WOMEN
Terms of Reference and Guidelines
2019-2020

FUNCTION

ROLE

The ACT Ministerial Advisory Council on Women provides strategic advice to the ACT Government on issues affecting women in the ACT. The Council also provides 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. The Council will monitor the progress of achievements towards these objectives through consultation with women in the community and relevant organisations.

TERMS OF REFERENCE

The role of the Council is to:

- 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.
MEMBERSHIP

NOMINATION

Council members will be selected from applicants through the appropriate processes who are:

- 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.

SELECTION CRITERIA

The Minister for Women may consider the composition of the Council as a whole 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 a disability, women of diverse cultural and linguistic backgrounds, Aboriginal and Torres Strait Islander women, women of different ages, and women from different locations across the ACT.¹

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.

EXECUTIVE COMMITTEE

The Executive Committee consists of the Chair and the Deputy Chair. 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.

STRUCTURE

The Council will consist of a minimum of 10 to a maximum of 14 members, including a Chair and a Deputy Chair. All members, including the positions of Chair and Deputy Chair, will be appointed by the Minister for Women.

QUORUM

In order 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.

TERMS OF APPOINTMENT

- Appointments will normally be for 2 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
- Members may seek re-appointment for one additional 2 year term, by advising the Minister for Women, 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 additional part or full term, on the grounds of capacity to represent specific community stakeholders and/or to maintain continuity of knowledge.

LEAVE OF ABSENCE AND APOLOGIES

- 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.

VACATION OF OFFICE

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.

ROLE OF THE CHAIR

The Chair is ultimately responsible to the Minister for the operations of the Council. 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; and
• Liaise with the Secretariat to develop meeting agendas and ensure the progression of actions arising from meetings.

ROLE OF MEMBERS

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

• 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.
OPERATION

GENERAL MEETINGS

- The Council is to meet a minimum of 4 times per year. Meetings are to occur on a bi-monthly basis. Working meetings (of the Council or Sub-Committees) may be convened if necessary, and work may be progressed out-of-session as required.

- A draft agenda will be developed before each meeting by the Secretariat in consultation with the Chair and Deputy Chair 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.

- Meetings are to be facilitated by the Chair, or in their absence, the 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. Any diversity of opinion on issues should be reflected in the 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.

- 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.

CONFIDENTIALITY

Unless indicated otherwise, all Council papers and minutes are confidential and the Council will make determinations on what papers are marked for release at the end of each meeting or in subsequent meetings. 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.
SECRETARIAT SUPPORT

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;
- 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.

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 (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.

OFFICIAL BUSINESS AND THE REPRESENTATION OF COUNCIL VIEWS
The Chair and the Deputy Chair 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 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; 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.

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 Secretariat prior to their presentation and a copy made available to the Secretariat.

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 will need to be cleared through the Chair and the Minister.

Council currently operates a website and material for the website is to be coordinated by the Council website coordinator and cleared with the Chair in line with the policy agreed by the Council.

REMUNERATION OF EXPENSES
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 Holders.

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.

**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.

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 are sufficient to justify the termination of a member’s appointment must be approved 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.

Council members are expected to observe the highest standards of ethical conduct as outlined in the *ACT Government Boards and Committees Handbook (2009)* and the ACT Code of Ethics (Section 9 of the *Public Sector Management Act 1994*), including honesty, courtesy, fairness and conflict of interest.

A Council member will face disciplinary action if he or she breaches the Code of Conduct.

The member must be informed and provided with a reasonable opportunity to respond to the matter. A member breaches the Code of Conduct by:

- Disregarding the guidelines of the Code of Conduct;
- Conduct that causes imminent and serious risk to the health or safety of a person or the reputation, viability or profitability of the Directorate’s business;
- Theft, fraud or assault; or
- Being intoxicated at Council functions.

A member’s appointment can be terminated for a breach of the Code of Conduct.

**TERMINATION**

The Minister retains the discretion to terminate a member’s appointment to the Council upon notice of not less than four weeks, for serious breaches of attendance, conflict of interest, or the Code of Conduct.

**OPEN ACCESS INFORMATION SCHEME (OAIS)**

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

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