WAVERLEY
COUNCIL

Access and Inclusion Advisory Panel

Terms of Reference

Policy owner	Executive Manager, Community Programs
Approved by	Council
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Commencement date	16 March 2021
TRIM Reference	A21/0096
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Relevant legislation/codes	Waverley Code of Conduct for Council Committee Members and Other Council Officials Waverley Code of Meeting Practice
Related policies/procedures/guidelines	Randwick and Waverley Regional Disability Inclusion Framework 2017-2021 Waverley Council Disability Inclusion Action Plan 2017-2021
Related forms	Waverley Access and Inclusion Panel Expression of Interest Form

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Acknowledgement

The Panel acknowledges the Bidjigal and Gadigal people who traditionally occupied the Sydney Coast, and Aboriginal Elders both past and present.

1. Objective

The aim of the Panel is to promote an inclusive community and enhance the inclusion and participation of people of all abilities in community life.

2. Purpose Statement

The role of the Panel is to:

- Provide input into policy development and review and planning
- Provide input to enhance the inclusion and accessibility of Council infrastructure, facilities, services, events, programs, systems, and information
- Provide advice to Council on how to identify barriers to people's full participation in community life
- Provide input into helping Council keep the broader community informed and engaged in initiatives that promote inclusion
- Assist in the development, implementation and review of the Disability and Inclusion Access Plan, and related actions within the Waverley Community Strategic Plan.

3. Authority

The Panel is an advisory body to Council that assists the Council to fulfil its functions. It does not have any delegated authority to act on behalf of Council. The advisory status of the Panel means that it may provide input to Council officers and make recommendations to Council or its Standing Committees.

The Panel is not authorised to:

- Make decisions on behalf of Council
- Expend money on behalf of Council
- Commit the Council to any actions or arrangements
- Direct Council officers in the performance of their duties, or
- Represent the Council in any communication with the public or media.

4. Membership

Panel membership will comprise:

- The Mayor and three Councillors.
- Up to eight community members who have a direct experience of disability either personally, professionally, academically or through a care/support role.

Should the Mayor decline membership of the Panel, a Councillor nominated by the Mayor shall be appointed to the Panel for the councillor term.

A community member is to be appointed as an individual member of the community and not as a representative of an organisation, business, advocacy body, or stakeholder group.

4.1 Appointment of Councillor members

The Mayor, or the Mayor's nominee, and the three councillor members must be appointed by resolution of the Council.

Council may resolve to appoint an alternate Councillor member to attend Panel meetings in the absence of one of the Councillor members. The alternate Councillor member will have the same voting rights as the Councillor member being replaced.

4.2 Appointment of community members

The community members may only be appointed to the Panel by resolution of the Council.

The eight community members shall be sought by way of public advertisement inviting expressions of interest for assessment by a selection panel comprising the Mayor (or the Mayor's delegate), the three councillor members and the Director Community, Assets and Operations or officer assigned by the General Manager.

Applicants may request assistance to submit their expression of interest to become a Panel member. Council's Community Development Officer Access and Inclusion will be available to provide support to interested community members.

An Easy Read version of the Expression of Interest form will be made available.

The selection panel will evaluate the candidates against the following criteria:

- Live, work or have a connection to Waverley of the surrounding area
- Have a direct experience of disability, either personally, professionally, academically or through a care or support role
- Have capacity to contribute views and perspectives that represent, as far as is possible, a diverse range of disability
- Have interest in and the capacity to provide advice on one or more of the following:
    - The built environment and urban planning
    - Social inclusion and civic participation
    - Economic participation
    - Promotion of inclusive attitudes and behaviours
    - The development, implementation and review of Council's strategies, policies and practices.
- Be available to attend meetings out of business hours.

The selection panel will recommend the community membership to Council for its determination.

4.3 Chair of the Panel

The Mayor (or the Mayor's nominee) is the Chair of the Panel.

The Chair is to have precedence over the control and management of the meetings. In relation to any procedural matter, the ruling of the Chair shall be final.

The Chair may call any member to order whenever in the opinion of the Chair it is necessary to do so.

Should the Chair be unable to chair a meeting or part of a meeting, prior to the meeting the Chair will nominate a councillor member of the Panel to chair the meeting. In the case that the nominated Chair does not attend, Council's most senior Officer in attendance will chair the meeting, or that part of the meeting as the case may be.

4.4 Non-voting Invitees

The Panel will issue a standing invitation to the following people to attend meetings of the Panel as non-voting invitees:

- All non-member Councillors
- The General Manager
- All Directors
- The Chief Financial Officer
- The General Counsel

Other Council staff may be invited by the Chair of the Panel to attend meetings as observers, advisors or to provide information and presentations as required.

The Panel may also invite other external parties to provide expert advice, information or presentations as the Panel deems necessary.

Councillors who are not Panel members may attend meetings of the Panel. However, they are not entitled to:

- Give notice of business for inclusion on the agenda of the meeting;
- Move a motion at the meeting; or
- Vote at the meeting.

4.5 Vacancies

A vacancy for a community member of the Panel will occur upon the resignation of the member, expiry of a term of appointment as outlined in Section 5 of this Terms of Reference, failure to attend without cause for two consecutive meetings, or removal of the member by resolution of the Council.

Following an expression of interest process for community membership of the Panel, Council may establish a pool of suitable candidates to fill vacancies on the Panel. A candidate may be a member of the pool for a maximum period of 12-months.

Where no pool of suitable candidates is established, vacant community member positions on the Panel must be filled by way of public advertisement inviting expressions of interest for assessment by the selection panel, who will recommend a new member to Council. This will occur as soon as practical within the period of two Panel meetings.

5. Term of Office

Councillor members of the Panel shall hold office for a 12-month term, as determined by Council in September each year.

Community members shall hold office for a two-year term (or such other period of appointment) or when reviewed by Council. Where possible the term is to coincide with the Council term.

Community members may reapply for a second two-year term through the expression of interest process outlined in section 4.2 of this Terms of Reference, provided the total time served on the Panel does not exceed four years.

An individual member will cease to be a member of the Panel if the member has been absent from two consecutive meetings without having given reasons acceptable to the Chair for their absence.

6. Member Responsibilities

It is the responsibility of Panel members to:

- Participate in and contribute to meetings.
- Understand the relevant legislation and regulatory requirements appropriate to the Panel.
- Contribute the time needed to study and understand the papers/information provided.
- Apply good analytical skills, objectivity and good judgment.
- Keep up to date and informed of the work of the Panel.
- Perform tasks agreed by the Panel that may need to occur outside of meetings.
- Perform any other duties that may reasonably be determined from time to time and agreed by the Panel e.g. site visits.

6.1 Code of Conduct

Members of the Panel must comply with Council's *Code of Conduct for Council Committee Members and Other Council Officials* in carrying out their functions as Panel members.

It is the personal responsibility of each Panel member to comply with the standards in the code of conduct and regularly review their personal circumstances with this in mind.

6.2 Conflict of Interests

Panel members must declare any conflict of interests at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest should be recorded in the minutes.

Where Panel members attending meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Panel deliberations on the issue where the conflict of interest may exist.

For the avoidance of doubt, non-councillor members of the Panel are not 'designated persons'.

6.3 Confidential and Personal Information

In the course of their work on the Panel, Panel members will be entrusted with sensitive or confidential information about Council's operations.

Panel members must maintain the integrity and security of confidential and personal information in their possession, or for which they are responsible.

Provisions concerning the use and security of confidential and personal information are set out in Part 7 of Council's *Code of Conduct for Council Committee Members and Other Council Officials*.

Should a Panel member become aware of any breach of security, or misuse of Council's confidential or personal information, they should inform the General Manager immediately.

6.4 Media Protocol

Panel members must not make public comment, including to the media and on social media, on any matter related to Waverley Council.

6.5 Responsibilities of Non-voting Invitees, Observers and Non-member Councillors

All non-voting invitees, observers and non-member Councillors must comply with sections 6.1-6.4 of this Terms of Reference.

7. Establishment of Working Groups and Workshops

Working groups and workshops may be established and held at the direction of the Chair to address specific issues or work out the detail of specific initiatives. The Panel may develop briefs for working groups and co-opt people with the necessary knowledge and skills to contribute as needed.

Working groups will report back to the Panel about action taken, progress made, and recommendations to Council where relevant.

8. Review of the Terms of Reference

The Panel will review its Terms of Reference at least once every two years to ensure it remains current, relevant, and accurately reflects the Panel's composition, role, and responsibilities.

The Panel may make recommendations to the Council to change aspects of the Terms of Reference. However, the adoption of the Terms of Reference is the responsibility of the Council.

9. Administrative Arrangements

9.1 Administrative Support

The Panel and its Working Groups will be supported by relevant Officers assigned by the General Manager.

Council's main contact for the Panel will be the Executive Manager Community Programs, who will initiate communication on behalf of Council with regard to Panel recommendations, maintain a record of advice, and prepare an update for each meeting.

9.2 Meetings

The Panel will meet three times per year in March, June, and September.

Meetings may be held outside normal business hours.

Regular meetings may be deferred if the Chair considers them not necessary at that time.

Meetings of the Panel are not open to the public. However, members of the public may be invited to speak at a meeting on the issues being considered by the Panel at the discretion of the Chair.

Meetings may be held in person, by telephone or by video conference.

With the consent of the Chair, a member of the Panel may attend a meeting by electronic means if physically getting to a meeting is difficult.

Meetings of the Panel will take place without strict adherence to the rules of debate and other procedural requirements. Recommendations at meetings will be made by way of consensus. In cases where consensus cannot be reached recommendations will be made by majority vote (see section 9.6 of this Terms of Reference).

Where these Terms of Reference do not address the conduct of a meeting, Council's Code of Meeting Practice will apply.

9.3 Agendas and Minutes

Council officers will provide agenda items and reports for Panel meetings in consultation with the Chair of the Panel.

Members may raise other matters within the parameters of the Terms of Reference for Panel consideration, discussion and comment. Where practicable, members should notify the Director or officer assigned to support the Panel of an item at least 21 days prior to a scheduled meeting to enable its inclusion in the agenda. Agenda items put forward must be aligned with the Waverley Disability Inclusion Action Plan and Waverley Community Strategic Plan.

The assigned support officer will ensure meeting agendas and associated documents will be issued to Panel members, all councillors and non-voting invitees at least seven days before the meeting.

The General Manager, through the assigned support officer, must ensure that full and accurate minutes of the proceedings of Panel meetings are kept. The minutes must record:

- The date and start time of meetings, attendees and any apologies.
- Any conflict of interests declared at the meeting.
- The confirmation of the minutes from previous the meeting.
- The Panel's recommendation on each item.
- The time the meeting closed.

The draft minutes must be approved by the Chair of the Panel. The assigned support officer will then circulate the draft minutes to all Panel members, Councillors and relevant staff within 10 business days of the meeting being held.

Draft minutes are not publicly available.

The draft minutes must be confirmed by the Panel at the next available Panel meeting, and subsequently reported to Council for noting and published on Council's website.

If the Panel wishes to recommend to the elected Council that it takes action on a particular matter, officers must write a report to the Council with details of the background and the issues and include the Panel's recommendation for Council's consideration.

9.4 Action Tracking Report

An Action Tracking Report is to be maintained by Council's Community Programs team. The report will be a standing item on the Panel's agendas. As an item is completed and reported to a Panel meeting, it will be removed from the list of actions in the report.

9.5 Quorum

A quorum for a meeting of the Panel will be a majority of Panel members, at least two of whom must be a Councillor.

9.6 Voting

In cases where consensus cannot be reached recommendations will be made by majority vote.

A motion supported by the majority of Panel members, by means of a vote, at a meeting of the Panel at which a quorum is present is a recommendation of the Panel.

Voting at a Panel meeting is to be by a show of hands or by voices.

A member of the Panel is entitled to one vote only on each matter. In the case of an equality of votes, the Chair of the Panel has a casting vote. Where the Chair decides not to exercise their casting vote, the motion being voted upon is lost.

Whether or not the Chair used their casting vote shall be recorded in the minutes.

9.7 Induction

New members will receive information packs and briefings upon their appointment to assist them to meet their Panel responsibilities.

9.8 Remuneration

Community members of the Panel shall be remunerated for participating on the Panel on a per meeting attended basis at the remuneration level adopted by Council.