BEGA VALLEY SHIRE COUNCIL

Access Advisory Committee Guidelines

July 2014

BVSC

Bega Valley Shire Council
Zingel Place
PO Box 492
Bega NSW 2550

Phone (02) 6499 2222
Fax (02) 6499 2200

council@begavalley.nsw.gov.au
www.begavalley.nsw.gov.au

Access Advisory Committee

July 2014

Contents

1. Introduction 1

2. Legal definition of the committee and its appointment 1

3. Role and Responsibilities of the Access Advisory Committee 2

Role 2

Responsibilities....2

4. Committee Structure 3

5. Governance/Accountability 3

6. Meetings Schedule 4

7. Restrictions on the Committee 4

8. Correspondence and Communication 4

9. Accessing Government Information in NSW (GIPA) 5

10. Meeting Procedure 5

11. Purchasing of Goods and Equipment 6

12. Code of Conduct - Conflict of Interest and Pecuniary Interests 6

13. Insurance 6

Public Risk Insurance....6

Personal Accident Insurance....7

14. Assistance to Committees 7

1. Introduction

1.1 Under the Local Government Act 1993 the "Act", Council's are given extensive functions in respect to the operation of a wide range of community facilities.

Section 8 of the Act provides that Council has the following charter:

(a) to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively

(b) to have regard to the long term and cumulative effects of its decisions

(c) to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible

(d) to facilitate the involvement of councillors, members of the public, users of facilities and services and Council staff in the development, improvement and co-ordination of local government

It is the latter of the points detailed above that outlines the broad functions of committees.

1.2 Section 355 of the Act provides that a function of a Council may be exercised by a committee of the Council.

1.3 These Guidelines detail the status of the committee, as well as the responsibilities committee members accept. These guidelines should provide a clear picture on the function, role and restrictions that are placed on your committee.

It is important to be mindful that whilst acting in their capacity as Council committee members, individuals are representing their community and the Council in the management of a community asset. Maintaining and improving public confidence in local government must remain of the highest priority.

1.5 If any committee members are unsure of any aspect of these guidelines, enquiries can be made to Council's Community Development Officer 6499 2462.

2. Legal definition of the committee and its appointment

2.1 Council has created the Access Advisory Committee under Section 355 of the Act as a way of incorporating the community in the conduct of Council's affairs.

2.2 Under the terms of Section 355:

(a) Council is solely responsible for the appointment of committee members.

(b) A register of members shall be maintained by Council.

(c) Council may at any time dissolve a committee without notice.

3. Role and Responsibilities of the Access Advisory Committee

Role

The Bega Valley Shire Council Access Advisory Committee is a formal committee of Council that operates to assist Council in the development of strategies to reduce barriers and increase access to Council premises and public buildings for the residents within Bega Valley Shire. The committee also looks to provide advice and recommendations on council policy and liaises with key stakeholders throughout the shire.

Access Advisory Committee advises and makes recommendations to Council on matters relating to access issues for people with disabilities as defined by the Disability Discrimination Act. The committee shall also provide advice and make recommendations to Council on matters relating to general accessibility of facilities within the Shire, not only in relation to people with a disability, but also for older people, parents with prams and other community members that will benefit from ease of access. The committee shall have a strategic focus, liaising with Council on a range of accessibility and inclusion issues within the Shire.

Council has a requirement under the Local Government Regulations 1998 and Federal and State Anti-Discrimination legislation, to include in its Management Plan, a summary of significant access and activities it proposes to undertake. In addition, it must include detailed access and statements that outline specific strategies and performance measures. The Access Advisory committee makes recommendations against a small budget including the identification and prioritisation of minor capitol works that address access and mobility issues. The committee works closely with other council services in the planning and engineering sections to ensure the best possible outcomes for people with a disability and/or restricted mobility. Committee members will be reimbursed out of pocket expenses for any committee related activities.

Responsibilities

The committee is solely an advisory body and as such will consider, discuss and advise on specific access issues relating to Bega Valley Shire Council assets and services.

The committee will provide advice and input on:

- the development of the Bega Valley Shire Inclusion Plan.
- relevant Development Applications
- relevant Policy, Procedures and processes.
- issues of access relating to Council services and facilities

4. Committee Structure

The Access Advisory Committee is a strategic level committee and will seek to identify members that can work with Council to bring about strategic reform as it relates to issues of access and inclusion. Council will seek to ensure a diversity of membership from across the shire including people living with a disability and/or people from the disability, business, community, and tourism sectors. Committee membership shall be ratified by resolution of Council.

The committee term will be two years and will comprise 10 community members and a Councillor delegate, as appointed by Council. A quorum will consist of 6 members. The committee will appoint a Chairperson and Deputy Chairperson after calling for nominations and taking a vote.

Relevant council staff will be invited to attend meetings to consult and advise on relevant issues. Departments will include Planning, Engineering, Parks & Leisure and Health & Building, other areas of Council will be invited on a needs basis.

The responsibility for the facilitation of the Committee meetings will sit with the Group Manager, Community and Leisure, who will ensure that minutes and agendas are prepared and actions arising from the meetings are distributed to the committee and relevant council staff.

The committee members will be expected to support committee projects and agreed actions from the meetings.

To ensure continuity working groups will be formed on specific projects and task on a needs basis. These working groups will report back to the formal committee at each meeting.

5. Governance/Accountability

The Committee operates in an advisory capacity to Bega Valley Shire Council. Meetings are officially chaired, minuted and all members must adhere to the BVSC code of conduct policy, minutes will be taken by a Council staff member and copies will be provided to all members in an easy to read format or on CD. Minutes will also be available to the public on the Council website.

The committee may be called on to vote on certain matters. Only a member of the committee may vote, not their advocate.

The following applies to all committee members:

- Any member who absents himself without leave for three (3) consecutive meetings shall automatically cease to hold office

- In the case of vacancies the Committee shall notify Council of such vacancy and Council shall advertise the vacancy by publication of a notice in local newspapers and on the internet

6. Meetings Schedule

Meetings will be held at least quarterly and the meeting schedule will be determined by the incoming committee.

The term for the Committee will be two years.

7. Restrictions on the Committee

7.1 Section 377 of the Local Government Act provides the following restrictions on Committees:

(a) The making of any fees or charges for use of Council facilities.

(b) The borrowing of money.

(c) The purchase or sale of any property, or granting the lease of any land or building.

(d) Acceptance of Tenders

(e) The adoption of a financial statement.

7.2 Council imposes the following restrictions on the Committee:

(a) The employment of staff without Council approval;

(b) Entering into any contract without Council approval;

8. Correspondence and Communication

The following guidelines have been developed in relation to correspondence and communication (from the Committee to other organisations or individuals) or supporting and/or implementing Council policy.

8.1 The Committee is able to write to any person, body, organisation or agency in the pursuit of information which, in the Committee's opinion is an integral part of information and data gathering and collecting to enable the Committee to be best placed to advise the Council on a matter properly within the Committee's purview.

8.2 The Committee is able to write or otherwise communicate with any person, body, organisation or agency on any other matters within the Committee's purview which are not of a contentious nature. A contentious matter is taken to be a

matter which has (at least) the potential to be derogatory, unseemly, not in the public interest or likely to erode public confidence in the Council.

8.3 All correspondence or other communication in connection with the business of the Committee should be authorised by the Committee wherever circumstances permit.

9. Accessing Government Information in NSW (GIPA)

The new Government Information (Public Access) Act (GIPA Act) came into effect on 1 July 2010 and replaces the Freedom of Information Act.

Under the Act, Council's Section 355 committees will be required to make committee documents publically available. This will mean that the Access Advisory Committee will have their meeting notices, agendas and minutes published on Council's website and made available at Council's Bega offices.

10. Meeting Procedure

Council's Code of Meeting Practice has been distributed to all Committees under separate cover. However, below is a summary of matters that can be readily referred to for the convenience of members:

10.1 Notice of Meetings are to be given to all members of the Committee at least five working days before the intended date of the meeting unless a time and date for meetings has been established by resolution of the Committee.

10.2 The Chairperson, or in their absence, nominated Executive member shall preside at all meetings of the Committee.

10.3 The Chairperson, or in their absence, nominated Executive member shall in the case of equality of voting at any meeting be entitled to a casting vote.

10.4 The Quorum of a meeting shall be a majority of members of the Committee. The majority is taken to be one half of the number of the Committee members rounded up to the next number. (I.e. in the case of ten members, the quorum is six).

10.5 Each member present at a meeting of the Committee who does not have a Pecuniary Interest in the matter under discussion is entitled to one vote and any matter before the Committee shall be determined by a majority of the votes of members present.

11. Purchasing of Goods and Equipment

Committees are not permitted to invite or accept Tenders or Quotations for the purchase of goods for the budgeted allocation of Access works, all discussions regarding access work must be held with Community Development Officer at Council.

12. Code of Conduct - Conflict of Interest and Pecuniary Interests

12.1 Council recognises the importance of Committees as being transparent in all its dealings, and has adopted a Code of Conduct and Code of Meeting Practice which shall be observed by all Council Committees. A full copy of the Code has been sent to Committees which details the full obligation of members should a conflict of interest or pecuniary interest arise.

12.2 In order to assist members Conflict of Interest and Pecuniary Interest are defined below:

(a) A **Conflict of Interest** exists when a Committee person has to deal in a matter in their public capacity, which is also a matter where the person:

- has a private interest arising out of kinship, friendship, membership of an association, society or trade union, or involvement or interest in an activity; or
- could reasonably be perceived by others as one in which a conflict of interest could possibly exist.

(b) A **Pecuniary Interest** is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom that person is associated.

12.3 If a Committee member feels that they may have a Conflict of Interest or Pecuniary Interest, it is their obligation to ensure that they comply with the Council Code of Conduct that has been submitted to all members. In summary, the person is to declare that interest and is to depart the meeting taking no part in discussion or voting on the matter under discussion. There are serious consequences for breaches.

13. Insurance

Public Risk Insurance

13.1 As Management Committees are appointed under the provisions of the Local Government Act, members of the Committee are automatically included in

Council's Public Risk Insurance cover which extends to all properties owned or leased by Council.

Council has taken Public Risk Insurance cover to the value of $100 million.

Members of Committees should note that they are only covered by Public Risk Insurance when acting within the scope of their delegation.

13.2 The following general information applies to the Public Risk policy:

(a) The Public Risk policy covers Council and the Committee against claims made by members of the public for personal injury or injury to personal property arising from a negligent act or omission of Council and/or the Management Committee.

(b) When an accident occurs, members of the Committee are instructed that they are not empowered to admit liability. For action to be taken in these circumstances see paragraph (c).

(c) Members of the public who wish to make a claim should be requested to state their claim in writing setting out full particulars of the accident (where, when and how) and the grounds on which they hold the Committee (or Council) responsible.

(d) When a Committee receives a claim from a member of the public, the Secretary of the Committee should question the member/s involved and submit a report in writing to Council concerning the particular accident as remembered by the Committee member, together with a copy of the letter of claim. Specific reference will have to be made of the points raised in the claimant's claim.

(e) Council's Human Resources manager is available to discuss any problems associated with this insurance.

Personal Accident Insurance

13.3 Council has arranged a Personal Accident Policy to cover all members of Committees appointed under the provisions of Sections 355 and 377 of the Local Government Act, 1993.

13.4 The following benefits relate to the Personal Accident Insurance Policy:-

(a)	Capital	$300,000.00
(b)	Weekly	$1,250.00
(c)	Non Medical	$20,000.00

14. Assistance to Committees

14.1 Council is committed to ensuring that committees have the support of Council staff to fulfil their roles and responsibilities detailed in these guidelines. Questions about these guidelines should be directed to the Admin Coordinator, Community and Leisure on 6499 2222.