

Access and Inclusion Advisory Committee Terms of Reference



Adopted by Council 9 October 2024



PO Box 492, Bega NSW 2550
P. (02) 6499 2222
F. (02) 6499 2200
E. council@begavalley.nsw.gov.au
W. begavalley.nsw.gov.au
ABN. 26 987 935 332

Bega Valley Shire Council acknowledges and pays our respects to the traditional custodians of the lands, waterways and airspace of the shire.

Contents

1	Introduction	4
2	Legal definition of the committee and its appointment	4
3	Role and responsibilities of the Access and Inclusion Advisory Committee	5
4	Committee structure	6
5	Governance/Accountability	7
6	Meeting Schedule	8
7	Meeting Procedure	8
8	Restrictions on the AIAC	8
9	Correspondence and communication	10
10	Accessing government information in NSW (GIPA).....	10
11	Code of conduct – Conflict of interest and pecuniary interests	10
12	Insurance	11
13	Assistance to committees	11

1 Introduction

- 1.1 Bega Valley Shire Council (the Council) has over many years supported an Access and Inclusion Advisory Committee (AIAC) as a mechanism to engage with people from diverse backgrounds and abilities to provide advice and guidance into accessibility issues across the Bega Valley Shire (the shire).
- 1.2 In 2014, the NSW Government introduced the *Disability Inclusion Act 2014* (NSW). The *Disability Inclusion Act 2014* contains general principles which align with the UN Convention on the Rights of Persons with Disabilities and acknowledges the human rights of all people with disability. The definition recognises that disability results from barriers in society that prevent or limit inclusion. The Act also requires local councils to develop and implement a Disability Inclusion Action Plan. In developing and reviewing their plans, public authorities must consult with people with disability.
- 1.3 These Terms of Reference detail the status of Council's AIAC Committee, as well as the roles and responsibilities of committee members.

2 Legal definition of the committee and its appointment

- 2.1 Under the *Local Government Act 1993* (NSW), councils are given extensive functions in respect to the operation of a wide range of community facilities and services.
- 2.2 Section 8(2) of the *Local Government Act 1993* requires that Council should apply the following principles in its decision making:
 - a. Recognise diverse local community needs and interests.
 - b. Consider social justice principles.
 - c. Consider the long term and cumulative effects of actions on future generations.
 - d. Consider the principles of ecologically sustainable development.

- e. Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.
- 2.3 Council has established the AIAC as a way of involving people with an interest in access and inclusion in the conduct of Council's affairs.
- 2.4 It is important to be mindful that whilst acting in their capacity as Council committee members, individuals are representing their community and the Council. Maintaining and improving public confidence in local government must remain of the highest priority, through adherence to Council's Code of Conduct.

3 Role and responsibilities of the Access and Inclusion Advisory Committee

- 3.1 The AIAC is a formal advisory body of Council for the purposes of considering, discussing and advising on access and inclusion issues.
- 3.2 The AIAC shall have a strategic focus, liaising with Council on a range of access and inclusion issues, making recommendations to Council as required.
- 3.3 Council has a requirement under the *Disability Inclusion Act 2014* to have a Disability Inclusion Action Plan (DIAP) under Council's Integrated Planning and Reporting (IP&R) framework. The AIAC plays a pivotal role in supporting Council to achieve its DIAP.
- 3.4 The AIAC may at times be asked to provide advice and recommendations on Council policies, procedures and processes that impact on access and inclusion matters.
- 3.5 Members of the AIAC are Council's 'eyes and ears' in the community, identifying and reporting access and inclusion issues that require attention. This at times will see members liaising with key stakeholders throughout the shire.
- 3.6 The AIAC shall assist Council to reduce barriers and improve access to Council premises, public buildings, and programs and services, for residents and visitors, including people with disability, older and frail people, parents with prams and other community members.
- 3.7 Advice and comments may be sought on major projects being undertaken by Council to ensure access and inclusion issues have been fully explored and resolved, however the ultimate

responsibility, decision-making and accountability rests with Council.

- 3.8 The AIAC oversees the Access and Inclusion Improvement Grants program including making recommendations to Council.
- 3.9 The AIAC will liaise across Council on access and inclusion matters through the senior Council officers who attend AIAC meetings.

4 Committee structure

- 4.1 The AIAC is a strategic level committee and Council will seek to appoint people that can work in partnership with Council to bring about improvements to access and inclusion across the shire.
- 4.2 Council will seek to appoint a diverse membership from people living within the Shire including people living with disability, older people, people with culturally diverse backgrounds, young people, people with impairment and/or people from the disability, business community and tourism sectors.
- 4.3 Council will publicly call for nominations for the AIAC through Council's website, a media release and social media. Selection of members will be based on assessment of nominations against the following selection criteria:
 - Broadly representative of people with interest and experience in access and inclusion
 - Direct experience with disability either personally or as a carer
 - Representation from diverse groups (youth, ageing, Indigenous, gender, ethnicity, LGBTQIA+ etc.)
 - Geographic locations from across the shire

The assessment will be undertaken by the Councillor delegate, Director Community, Environment and Planning and the past AIAC Chair. Shortlisted nominations for the AIAC will be reported to Council for resolution.

- 4.4 A person will be appointed to the AIAC for the term of Council (approximately four years).
- 4.5 The AIAC will comprise of up to 14 members including up to 12 members representing a range of interests across the shire, a Councillor delegate appointed by Council, and the Director Community, Environment and Planning. A spread of age and

gender will also be sought.

- 4.6 From time to time working groups may be formed on specific projects or tasks that need additional focus. These working groups will report back to the AIAC at each meeting.
- 4.7 Senior Council officers from Community and Cultural Services, Works and Assets, and Parks, Aquatics and Recreation, as well as a Council minute secretary, will attend to support the AIAC. Other staff may attend at the discretion of the Director Community, Environment and Planning.

5 Governance/Accountability

- 5.1 The responsibility for the facilitation of the AIAC is the Director Community, Environment and Planning, who will ensure that minutes and agendas are prepared and actions tracked.
- 5.2 The AIAC will appoint a Chairperson and Deputy Chairperson after calling for nominations and taking a vote. In the event of there being more than one nominee for each position, Council's Code of Meeting Practice will be used to determine the Chair.
- 5.3 The Quorum of a meeting shall be 50% of members plus one.
- 5.4 Minutes will be taken by the Council minute secretary and copies will be provided to all members in an easy to read format and available on the Council website – www.begavalley.nsw.gov.au Minutes will also be reported to Council once adopted by the committee.
- 5.5 Members of the AIAC may be called on to vote on certain matters. Only a member may vote not their advocate. In the case of a tied vote the Chair has a casting vote.
- 5.6 Any AIAC member who absents themselves without apology for 3 consecutive meetings shall automatically cease to be a member. The Chair will attempt to make contact following two absences without apology.
- 5.7 In the case of an extraordinary vacancy on the AIAC the Council shall advertise the vacancy through Council's website. If the vacancy occurs within 12 months of a local government election, the AIAC may vote to directly appoint a member. The AIAC shall recommend a replacement member for Council's consideration.
- 5.8 AIAC members will be reimbursed for out of pocket expenses including mileage for any AIAC related activities; however, these must be clearly related to actions discussed at meetings or by approval of the Director Community, Environment and Planning.

- 5.9 All members must adhere to Bega Valley Shire Council's Code of Conduct. Alleged breaches of the code by AIAC members will be investigated by the Director Community, Environment and Planning in line with Council policy and procedures.

6 Meeting Schedule

- 6.1 Meetings will be held at least quarterly and generally in February, May, August and November.
- 6.2 The day and times of the meeting will be determined by the AIAC members.
- 6.3 In the event that working groups are established, the working group meeting schedule will be determined by the working group members.

7 Meeting Procedure

Council's Code of Meeting Practice covers all Committees, including the AIAC.

8 Restrictions on the AIAC

- 8.1 Section 377 of the *Local Government Act 1993* provides the following restrictions on Committees, including the AIAC:
- (a) the appointment of a general manager,
 - (b) the making of a rate,
 - (c) a determination under section 549 as to the levying of a rate,
 - (d) the making of a charge,
 - (e) the fixing of a fee,
 - (f) the borrowing of money,
 - (g) the voting of money for expenditure on its works, services or operations,
 - (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),

- (i) the acceptance of tenders to provide services currently provided by members of staff of the council,
- (j) the adoption of an operational plan under section 405,
- (k) the adoption of a financial statement included in an annual financial report,
- (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
- (m) the fixing of an amount or rate for the carrying out by the council of work on private land,
- (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
- (o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the *Environmental Planning and Assessment Act 1979*,
- (p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,
- (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,
- (r) a decision under section 234 to grant leave of absence to the holder of a civic office,
- (s) the making of an application, or the giving of a notice, to the Governor or Minister,
- (t) this power of delegation,
- (u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.

8.2 Council also imposes the following restrictions on the AIAC:

- (a) The employment of staff; and
- (b) Entering into any contract for the purchase of goods or services, or commit Council to the purchase of goods or

services.

9 Correspondence and communication

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

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

- 9.1 The AIAC is able to write or otherwise communicate with any person, body, organisation or agency on any other matters within the AIAC 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.
- 9.2 All correspondence or other communication in connection with the business of the AIAC should be authorised by the AIAC wherever circumstances permit and would generally be distributed by the minute secretary under the signature of the Chair or Deputy Chair.

10 Accessing government information in NSW (GIPA)

- 10.1 Under the *Government Information (Public Access) Act 2009* (GIPA Act) Council's Section 355 committees will be required to make AIAC documents publicly available. This means that the AIAC will have its meeting notices, agendas and minutes published on Council's website and made available at Council's Zingel Place, Bega offices.

11 Code of conduct – Conflict of interest and pecuniary interests

- 11.1 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 each of these Codes is to be provided by Council to all AIAC members at the time of their appointment to the AIAC, which details the full obligation of members should a conflict of interest or pecuniary interest arise.

11.2 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.

11.3 If an AIAC 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.

12 Insurance

12.1 The AIAC is covered by Council's Personal Accident Policy, as a committee appointed under the provisions of Section 355 of the Local Government Act 1993.

13 Assistance to committees

13.1 Council is committed to ensuring that the AIAC has the support of Council staff to fulfil its roles and responsibilities detailed in these

guidelines. Questions about these Guidelines should be directed to the Director Community, Environment and Planning on 6499 2222.

- 13.2 Copies of the Council's Code of Conduct and Code of Meeting Practice are available upon request or from Council's website – www.begavalley.nsw.gov.au



Zingel Place, Bega

M. PO Box 492 Bega P. 02 6499 2222 F. 02 6499 2200 ABN. 26 987 935 332 DX. 4904 Bega

 council@begavalley.nsw.gov.au

 [begavalleyshirecouncil](https://www.facebook.com/begavalleyshirecouncil)

 www.begavalley.nsw.gov.au