Minister for Human Services

LGBTIQA+ Minister’s Advisory Council

# TERMS OF REFERENCE

## Role and Purpose

The LGBTIQA+ Minister’s Advisory Council (the Council or MAC) provides strategic advice to the Minister and State Government to support decisions on policy and legislative reform.

The Council helps to inform the Minister and State Government by drawing on members’ lived experience to:

* raise important issues
* provide feedback on government policies, projects and legislation
* engage with the Department of Human Services (DHS) and other government agencies to help inform key projects within these agencies.

## Eligibility and Membership

The Council has a minimum of 12 and a maximum of 14 members, including the Minister.

To be eligible to join the Council a person must be an LGBTIQA+ South Australian resident aged 15 or over.

New members are recruited through an expression of interest process. A selection panel formed by DHS will recommend a shortlist of applicants to the Minister. The Minister will appoint members.

Members are chosen to reflect the diversity of the community including:

* Aboriginal and Torres Strait Islander people
* culturally and linguistically diverse people
* people living in regional or remote South Australia
* LGBTIQA+ people
* young people (between 15 and 25 years of age)
* people with disability, including:
  + women with disability
  + people with significant intellectual disability or vulnerability due to disability
* older people (from 65 years of age)
* people with caring responsibilities.

Although members might provide advice from the perspective of their peers, identity group or community, they are not expected to formally represent their communities on the Council.

Intersex applicants are to be prioritised in the recruitment processes. If the full complement of members is established but there have been no applicants from intersex people, a spot will be made available at any time should an intersex person express interest throughout the term [LGBTIQA+ MAC Only].

All members hold their positions in a personal capacity and cannot affiliate their membership with their professional or voluntary engagements, nor will their membership provide an advocacy opportunity for their professional engagements.

Membership will be limited so that no more than one member of the Council is a board member or employee of a related advocacy organisation, unless this is necessary to ensure adequate diversity on the Council. This is to make sure the Council’s views reflect the lived experience of its members and not that of organisations which may already have systems in place to advocate to the Minister and/or State Government.

DHS staff are ineligible for appointment on the Council.

**Terms of appointment**

Members are appointed for terms of two (2) years. At the end of their first term, Members can apply for a second term and can serve a maximum of two terms (4 years) on the Council.

A person ceases to be a member of the Council if they:

* resign by written notice to the Minister or secretariat; or
* complete a term of membership and are not reappointed.

The Minister can remove a person’s Council membership if the member:

* no longer lives in South Australia,
* is absent from two consecutive meetings without sufficient notification
* is unable to fulfill the roles and responsibilities outlined in this Terms of Reference or otherwise carry out the role satisfactorily
* acts in a manner inconsistent with the Public Sector Code of Ethics
* for any other reason considered sufficient by the Minister.

## Council Chairs

Members can select a member to act as Chair of the Council. If a Chair is unavailable for a meeting an interim chair can be selected by the Chair or secretariat. Chairs may resign from their position and remain on the Council by writing to the secretariat or Minister. Chairs may also be removed by the Minister for failing to perform their responsibilities.

## Attendance at meetings

Meetings are usually attended by members, the Minister for Human Services, the secretariat (a DHS staff member responsible for supporting the Council) and other DHS staff.

If a member requires specific support, they should contact the secretariat. We encourage requests for support. This may include that a support person attends with the member. Support people are not members but must still follow the South Australian Public Sector Code of Conduct.

Sometimes other ministers and staff from other government/non-government agencies may attend to listen directly to member’s advice on matters they are working on.

## Responsibilities at meetings

Members responsibilities include:

* preparing for meetings – for example, by thinking about the topics on the agenda and being familiar with who is attending the meeting and why
* attending most meeting and letting the secretariat know if they cannot attend
* Being respectful of other members differing opinions
* displaying values that are appropriate for a ministerial advisory council and in keeping with the South Australian Public Sector Code of Ethics and Values (service, professionalism, trust, respect, collaboration and engagement, honesty and integrity, courage and tenacity, and sustainability).

Chairs responsibilities include:

* Charing meetings in a way that supports all members to take part openly, safely, and fairly
* Seeking agenda items from members
* Working with the secretariat to approve meeting documents (agenda, minutes etc.)
* Supporting members to understand the terms of reference and how the Council works
* Representing the Council when corresponding or meeting with other councils or committees.

The following principles of good participation will guide the functions of the Council:

* Be respectful, accountable and responsive
* Be responsible for fostering positive collaboration
* Be transparent and honest
* Be effective and efficient
* Be equitable and inclusive of all people
* Be ethical and law abiding.

The secretariat’s responsibilities include:

* Coordinating meetings including sending out agendas, minutes and other information to members
* Acting as the main point of contact for members
* Supporting members to attend meetings and ensuring their payment is received.

Members of the Council can expect:

* to be provided with complete, accurate and meaningful information in a timely manner to facilitate meeting participation
* that any discussions of lived experience will remain confidential and will not be shared outside the Council without permission
* to be given equal opportunity to participate in discussions.

## Meeting Frequency and Administration

The Council meets quarterly (four times per year), on dates scheduled in advance. Meeting duration will usually be between 2-3.5 hours. Meetings will usually be held at the Riverside Centre, 115 North Terrace Adelaide, SA 5000. Members can attend in-person or online.

Special meetings may be called to progress critical work of the Council. In these instances, members will be given at least ten (10) days’ notice before the scheduled meeting date.

Other out-of-session activities or meetings can be scheduled as agreed with members and DHS. Members will be remunerated for their time when appropriate.

## Creating the Agenda and taking Minutes

Throughout the term, members, the Minister, or DHS may also raise matters they want the Council to discuss for inclusion in the agenda. Members can raise these matters with the Chair or secretariat for potential inclusion in the Agenda.

The secretariat will send a draft copy of the agenda and any papers to the Chair for approval. A final agenda will be sent to all members prior to the meeting.

DHS will take minutes of the Council meetings. Minutes will be approved by the Chair following the meeting and be distributed to members.

## Decision Making

The Council is an advisory and consultative body. This means it gives advice to the Minister and State Government. It does not make decisions about reforms or policies, and it is not necessary for members to come to an agreed position on topics.

**Limitation of Authority**

The Council does not have the authority to:

* expend money on behalf of Department of Human Services (DHS) or the State Government
* commit DHS or the State Government to any arrangements
* consider any matters outside its scope of reference
* represent DHS or the State Government
* comment on matters related to the MAC in any public forums or media, including social media, unless authorised to do so by the Chair.

## Remuneration and Reimbursement of Expenses

Members are entitled to remuneration approved by the Minister in accordance with the Department of the Premier and Cabinet Circular PC016 – Remuneration for Government Appointed Part-Time Boards and Committees (September 2016).

Public Sector employees who are members of the Council will not be entitled to remuneration unless an exemption is granted by the Chief Executive of the Department of the Premier and Cabinet.

Members requiring transport assistance can be provided with taxi vouchers, as agreed.

## Reporting, Monitoring and Evaluating

## Key activities and outcomes will be reported to other stakeholders, such as relevant Ministers, State Government agencies and/or the public.

## Section 8 of PC022 (Reporting requirements of boards and committees), requiring the delivery of annual reports to the Minister on the activities undertaken and outcomes achieved over the reporting period, does not apply to the LGBTIQA+ MAC as the Minister is a member of the Council.

## Honesty and Accountability

By virtue of their appointment, members are:

* ‘public officials’ for the purposes of Section 74 of the *Public Sector Act 2009*
* ‘advisory body members’ for the purposes of the *Public Sector (Honesty and Accountability) Act 1995*.

All members will be subject to the duties and obligations arising under that legislation.

Where a member has a direct or indirect personal or pecuniary interest in a matter decided or under consideration, these duties require that the member:

* must, as soon as reasonably practicable, disclose in writing to the Chair full and accurate details of the interest
* must not take part in any discussions relating to the matter
* must be absent from the meeting when any such discussion or voting is taking place.

Members are expected to comply with the Public Sector Code of Ethics (to the extent that it applies).

## Terms of Reference

This Terms of Reference is effective from the date of endorsement and will be reviewed when required.

**Endorsed**

Hon Nat Cook MP

Minister for Human Services

Date: November 2024

Appendix: Glossary of Terms

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| **Word** | **Definition** | **Example/further information** |
| Minister | A Minister is a politician who is in charge of a “Ministry”, for example Health, Sport and Recreation, tourism etc. | Hon Nat Cook is the current Minister for Human Services in South Australia |
| Strategic Advice | Information and advice provided to people who make decisions for the South Australian community | An organisation that works with young people with disabilities may provide advice to the Minister for Health about what would help to improve the lives of the people they support |
| Policy | A set of ideas or plans that are used as a basis for making decisions | The Federal and State Governments have policies that provide a guideline for how certain services are delivered, such as health or education. Policies are informed by legislation, and sometimes Government’s will create documents such as “Strategic Plans”, which are a type of policy and help guide how services are delivered to the community |
| Legislation | A law or a set of laws | South Australia has legislation which protects the equal rights of all people from discrimination based on sex, race, disability or age. It is called the Equal Opportunity Act. Other states have their own version of this law. |
| State Government | The South Australian government, which makes and applies laws in South Australia | The political party that wins the most seats at a state election forms government. |
| Government agencies | Organisations that deliver services to the South Australian community on behalf of the Government. | The Department of Human Services and South Australia Police (SAPOL) are examples of State Government Agencies. |
| Governance | The act or process of leading or overseeing the control and direction of something | Governance in an organisation includes things such as having a list of policies that ensure all staff are kept safe (work health and safety policies), paid on time and receive the support they need to be able to do their jobs to the best of their ability. |
| Chair | The person responsible for managing meetings | The Chair makes sure that meetings cover all of the issues and topics it needs to, that participants don’t get distracted and that everyone gets a chance to speak |
| Appointment | To be chosen to do something | Being appointed to a MAC means you have been chosen to be on the committee |
| Lived Experience | To have lived experience about something means you have personal experience with it | When making decisions that impact upon young people’s lives, it is important to ask young people themselves as they have lived experience as a young person |
| Advisory and consultative body | A group that gives advice to decision makers on certain topics | The MACs are an advisory and consultative body for the Minister and DHS |
| Authority | Having authority means having the power or right to give orders and make decisions | Police officers have the authority to enforce certain laws |
| Secretariat | A staff that is responsible for managing things that helps to keep an organisation running | Secretariats are responsible for scheduling meetings, taking notes and sending them to members and writing up reports |
| Agenda | List of topics or issues to be talked about in a meeting | Agendas let everyone know what will be talked about in a meeting and by who. They also plan how long will be spent talking on each topic, and when breaks will happen |
| Minutes | A written record of everything that was discussed in a meeting | Minutes are usually written during the meeting and then sent out afterwards. Minutes help us to remember what was said and what decisions were made in a meeting |
| Pecuniary interest | Having an interest or being involved in something because of money or finances | If a group is deciding on whether to buy lunch from a sandwich shop or a sushi restaurant and one of the members owns the sandwich shop, they have a pecuniary interest in that topic |
| Conflict of interest | When a person’s personal interests such as their friends, family or finances can make it difficult for them to do their job fairly | A manager of an organisation hiring their best friend to work for them would be considered a conflict of interest |
| Comply | To follow the rules or do what you are asked to do | If a person is asked to write a report and they do, they are complying with the instruction |
| Remuneration and reimbursement of expenses | To be paid money to do something, and to be paid back for money spent | Giving someone a $50 gift card for participating in a meeting is an example of remuneration. If someone spends their own money on a bus ticket and they are then given the money back afterwards, they are being reimbursed. |
| Exemption | Being exempt from something means not having to follow a rule or do something that other people have to do | If everyone else must attend a meeting except for you, you have an exemption |
| Confidential | To keep something a secret | If someone shares something personal with you and asks you not to tell anyone, that information is confidential |