

Joint Community Government Reference Group

TERMS OF REFERENCE

July 2009

CONTENTS

FUNCTION	1
MEMBERSHIP	1
OPERATION	4
CODE OF CONDUCT/ CONFLICT OF INTEREST	5
CONTACT DETAILS	5
Attachment A (Code of Conduct)	6
Attachment B (Code of Ethics)	8
Attachment C (Conflict of Interest Declaration/ Member)	9
Attachment D (Conflict of Interest Declaration/ Support Person)	10

FUNCTION

Role

The Joint Community Government Reference Group (JCGRG) is a consultative mechanism which provides strategic advice on critical sustainability issues that affect government and non-government agencies in the community services sector.

Terms of Reference

The Terms of Reference for the Joint Community Government Reference Group are to:

1. Monitor and provide strategic advice to the ACT Government on:
 - implementation of The Social Compact;
 - key objectives and future directions of *Building Our Community - The Canberra Social Plan*; and
 - community sector viability issues.
2. Maintain linkages / communication with the community inclusion policy program at Chief Minister's Department in relation to social and sustainability policy issues affecting the community and the community sector.
3. Inform the implementation of the above through ongoing engagement with stakeholders.

MEMBERSHIP

- JCGRG comprises representatives from ACT Community Organisations and Peak Networks and Executive Directors of ACT Government Departments with a social and community perspective.
- Members are appointed as representatives of their networks not as individuals.
- Community Organisations and Peak Networks will elect a representative and an alternative member for their absences and for succession planning.
- JCGRG from time to time will invite in non-members to assist with a particular issue, with the agreement of the Co Chairs.

Current ACT Community Organisation/Peak Network Membership:

ACT Council of Social Service; Youth Coalition of the ACT; Mental Health Community Coalition ACT; ACT Shelter; Regional Community Services; Conservation Council of the Southern East Region and Canberra; Health Care Consumers Association; Council of the Ageing; Volunteering ACT; National Disability Service (ACT Division) and Ministerial Advisory Council on Women.

Current Government Membership:

- Relevant government departments are represented at the Senior Executive Level.
- Disability, Housing and Community Services; Chief Minister's Department; ACT Health; Education and Training; ACT Treasury; Territory and Municipal Services; Environment, Climate Change, Energy and Water are represented on the group.

Role and Responsibilities of Members

The role of a member is to present a view point, be that one of their organisation, their sector, department or the government, and to 'spread the word' on decisions, outcomes and policies relating to agenda items. The ability to fulfil these roles is a product of the members' position and their influence on the wider government and community sectors.

The responsibility of the member is to:

- progress the implementation processes by undertaking consultation with individual members' jurisdiction or membership; and
- develop a succession plan for membership in conjunction with their community organisation.

Role of Co Chairs

The JCGRG is led by Co Chairs (a community representative from the Group and a government representative), both appointed by the Minister for Community Services.

The role of the Co Chair is to:

- act as public spokespersons for the reference group;
- preside over all meetings;
- assist members to work together as a group by facilitating discussion and drawing participation from all members;
- maintain a positive and constructive atmosphere at reference group meetings;
- ensure all members have equal opportunity to contribute ideas, opinions and concerns; and
- communicate key messages from meetings.

Term of Office

- Membership of JCGRG will be reviewed every two years.

Resignation / Handover Procedures

- Members to notify the Chair in writing of their intention to resign from JCGRG.
- Members who fail to attend three consecutive meetings without an apology may be deemed to have resigned from JCGRG.

- Co Chairs to inform the Minister of a resignation, as necessary.
- Handover and induction to be co-ordinated by Secretariat with Co Chairs and will involve the previous member wherever possible.

Role of Alternative Representatives / Observers

- ACT Government Departments to nominate an alternate representative to attend meetings in their absence.
- Community Organisations / Peak Networks to nominate an alternative member to attend JCGRG meetings in the absence of the sitting member.
- The Chairs and Secretariat to be notified of the alternative member arrangement.
- Observers will be invited to JCGRG meetings by Secretariat with approval of Co Chairs if their presence is relevant to an agenda item.

Support Person for JCGRG Member

A JCGRG member may at any time during the term of appointment request that a support person assist them to perform their role as a member.

- Prior to the first meeting:
 - a) The member will advise the Co Chairs of the name of the support person; and
 - b) The support person will sign a *Code of Conduct / Conflict of Interest Declaration* (Attachment D).

- Role of support person

The role of the support person is to provide assistance to the member to participate in JCGRG meetings. The support person may:

- Attend meetings and other events, such as community consultations, with the member;
- Assist the member perform their role at meetings and other events, such as reading papers and reports, writing notes, or interpreting for a non english speaking background member.

- Conduct of support person

The support person will:

- seek or provide information from the Chair, other members or the Secretariat only when requested to do so by the member;
- not seek to influence the member during discussions, consultations or voting procedures;
- not seek to participate in discussions or to influence any JCGRG decision; and
- not attend meetings as a delegate for the appointed member.

- Out of pocket expenses

The member may seek a Community Engagement Payment for reimbursement of reasonable out of pocket expenses on behalf of the support person.

- Vacation of Office

The appointment of the support person ceases on either:

- the date the member advises that a support person is no longer required; or
- the date the appointment of the member ceases, including if the member resigns.

OPERATION

Meeting Schedule

The JCGRG meets 7 times per year (including one planning meeting). The meetings are timed to coincide with strategic influences such as the Budget and finalisation dates for major government activities.

Each meeting has three primary focus areas:

- a priority strategic direction issue
- an operational issue, including networking of members
- other matters arising.

Meeting Procedure

Meetings are to be facilitated by the Co Chairs, alternatively. Wherever possible, decisions of the Group are to be made by consensus, or if consensus can not be reached, by a majority vote of those members present.

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.

Reporting

The JCGRG will provide the Minister with an annual work plan. A Quarterly Bulletin is in operation, prepared by the Secretariat to be circulated to members of JCGRG for distribution to their networks and community organisations. The Bulletin contains current key initiatives undertaken by the Group.

Quorum

For the purposes of a vote of members for a ‘majority ruling’ a quorum is no less than half the total number of members plus one. The quorum may be necessary for significant policy decisions only.

Working Groups

The JCGRG may choose to convene various working groups to develop and implement a range of projects. Subject to a specific indication to the contrary, these working groups have autonomy to make decisions about the general administration of the working group and the project.

All material decisions are to be referred back to the JCGRG. Where the project involves the drafting of a document, the draft will be referred back to the JCGRG for consideration.

Secretariat Support

Secretariat support to the Group will be provided by Strategic Policy within the Department of Disability, Housing and Community Services. The Secretariat will support the Co Chairs and members by:

- organising meetings (arrange venues, refreshments, notify members);
- formalising agenda, in consultation with the Co Chairs;
- collating and distributing written material as required prior to each meeting;
- recording minutes and attendance at meeting;
- preparing correspondence on behalf of the JCGRG;
- assisting with small research talks and preparing written material as required; and
- any other duties that are negotiated by the Co Chairs with the Secretariat, at request of members.

Reimbursement and Out of Pocket Expenses

As some members are representatives from ACT Community Organisations and Peak Networks, it is understood their organisations would reimburse their out of pocket expenses.

The *Community Engagement Payment Policy* from the Department of Disability, Housing and Community Services allows for the Executive Director to approve financial assistance to support community members involved in Departmental community engagement mechanisms who would not be reimbursed by Community Organisations or Peak Networks.

CODE OF CONDUCT / CONFLICT OF INTEREST

Documentation outlining the appropriate conduct in relation to conflict of interest and other issues is outlined in the *ACT Government Boards and Committees Code of Conduct (ACT Government Boards and Committees Handbook 2009)* ([Attachment A](#)) and *Code of Ethics (ACT Public Service Management ACT)* ([Attachment B](#)).

These documents will be provided to all new JCGRG Members.

New JCGRG members should sign a *Code of Conduct / Conflict of Interest* declaration form after their membership has been finalised ([Attachment C](#)).

CONTACT DETAILS

Secretariat

Joint Community Government Reference Group

C/- Strategic Policy

Department of Disability, Housing and Community Services

Postal Address: GPO Box 158

CANBERRA ACT 2601

Location Level 4, 11 Moore Street, CANBERRA ACT

Phone: 6205 3614 **Fax:** 6207 0592

ACT GOVERNMENT BOARDS AND COMMITTEES CODE OF CONDUCT

Under the system of government that operates in the ACT, Ministers, Members of the Legislative Assembly, public servants and statutory officeholders carry out the main legislative and executive functions of government. At times, non-statutory office holders also provide assistance. Members of ACT Boards and Committees have a duty to discharge responsibilities entrusted by the ACT Government and the laws made under the Australian Constitution according to the highest standards of conduct. Board members may be required by the nature of public office to accept restriction on certain areas of their private conduct beyond those imposed on ordinary citizens.

The following Code of Conduct outlines principles that should be observed by all members of ACT Government Boards and Committees, and should be read in conjunction with the ACT Code of Ethics for public employees (Section 9 of the *Public Sector Management Act 1994*).

1. A board member should perform the duties of the office impartially, uninfluenced by fear or favour.
2. A board member should be frank and honest in official dealings with colleagues.
3. Conflicts of Interest:
 - a) A board member should avoid situations in which any private interest, whether pecuniary or otherwise, conflicts or might reasonably be thought to conflict with their public duty.
 - b) When a board member directly or indirectly possesses an interest which conflicts or might reasonably be thought to conflict with their public duty or improperly influence conduct in the discharge of responsibilities, the board member should disclose that interest according to the prescribed procedures. Should new or additional facts become material after an initial disclosure has been made, the board member should disclose the further information.
 - c) When the interests of members of the board member's immediate family are involved, the interests should be disclosed to the extent that they are known. Members of the immediate family will ordinarily comprise only the spouse and dependent children, but may include other members of the household or family when their interests are closely connected with those of the board member.
 - d) When a board member possesses an interest which conflicts or might reasonably be thought to conflict with the duties of their office and such interest is not prescribed as a qualification for that office, the member should

forthwith divest themselves of that interest, secure their removal from the duties in question, or obtain the authorisation of a superior or other board members to continue to discharge the duties. Transfer to a trustee or to a member of the board member's family is not a sufficient divestment for the purpose. If immediate divestment would cause significant hardship to the board member, possession of the interest should be disclosed to board members or the minister and authorisation obtained for temporary retention pending divestment.

4. A board member should not use information obtained in the course of their official duties to directly or indirectly gain a pecuniary advantage for themselves or for any other person. In particular, a board member should scrupulously avoid investments or other transactions about which they have, or might reasonably be thought to have, early or confidential information which might confer on the member an unfair or improper advantage over other persons; and discuss or publicly disclose information gained in the course of their official duties without prior approval of the board or relevant minister.

5. A board member should not:

a) solicit or accept from any person any remuneration or benefit for the discharge of their duties over and above the official remuneration;

b) solicit or accept any benefit, advantage or promise of future advantage for themselves, their immediate family or any business concern or trust with which they are associated, from persons who are in, or seek to be in, any contractual or special relationship with government;

c) except as may be permitted under the rules applicable to their position on the board, accept any gift, hospitality or concessional travel offered in connection with the discharge of their duties.

6. A board member should be scrupulous in their use of private property and services, and should not permit misuse of these by other persons.

Attachment B

ACT Public Sector Code of Ethics

The Public Sector Management Act 1994 sets out the obligations that apply to every ACT public employee (Section 9). These obligations underpin a detailed ACT Public Sector Code of Ethics, which outlines the standard of behaviour expected of all public employees. A high standard of conduct is central to the concept of an effective and contemporary public service.

As officers of the ACT Public Sector, staff are required to:

- exercise reasonable care and skill;
- act impartially;
- act with probity;
- treat members of the public and other public employees with courtesy and sensitivity to their rights, duties and aspirations;
- in dealing with members of the public, make all reasonable efforts to assist them to understand their entitlements, and to understand any requirements which they are obliged to satisfy under those laws;
- not harass a member of the public or another public employee, whether sexually or otherwise;
- not unlawfully coerce a member of the public or another public employee;
- comply with the Public Sector Management Act, the management standards and all other laws of the Territory;
- comply with any lawful and reasonable direction given by a person having authority to give the direction;
- disclose any interest, pecuniary or otherwise, that could conflict, or appear to conflict, with the proper performance of his or her duties, or take action to avoid such conflict;
- not take, or seek to take, improper advantage of his or her position to obtain a benefit for the employee or any other person;
- not take, or seek to take, improper advantage, for the benefit of the employee or any other person, of any information acquired, or any document to which the employee has access, as a consequence of his or her employment;
- not disclose, without lawful authority any information acquired by him or her as a consequence of his or her employment;
- not make a comment which he or she is not authorised to make where the comment may be expected to be taken to be an official comment;
- not make improper use of the property of the Territory;
- avoid waste and extravagance in the use of the property of the Territory;
- report to an appropriate authority any corrupt or fraudulent conduct in the public sector that comes to his or her attention, or any possible maladministration in the public sector that he or she has reason to suspect.

Code of Conduct/ Conflict of Interest Declaration

I, _____, declare that, to the best of my knowledge, I do not have any conflict of interest that could arise from my membership to the [Joint Community Government Reference Group](#). Should an actual or potential conflict of interest arise, I agree to disclose this immediately to the Co Chairs of the [Joint Community Government Reference Group](#). I have read and agree to abide by the guidelines set out in the ACT Government Boards and Committees Code of Conduct and the ACT Code of Ethics (Section 9 of the *Public Sector Management Act 1994*).

Signature: _____

Date: _____

Background

I, _____, wish to declare that I identify as (tick those that apply):

- Aboriginal and/or Torres Strait Islander Background
- Culturally and Linguistically Diverse Background (multicultural)
- Person with a Disability

Signature: _____

Date: _____

Attachment D

Code of Conduct/ Conflict of Interest Declaration

I, _____, declare that, to the best of my knowledge, I do not have any conflict of interest that could arise from my role of support person to the member of the **Joint Community Government Reference Group**. Should an actual or potential conflict of interest arise, I agree to disclose this immediately to the Co Chairs of the Joint **Community Government Reference Group**. I have read and agree to abide by the guidelines set out in the ACT Government Boards and Committees Code of Conduct and the ACT Code of Ethics (Section 9 of the *Public Sector Management Act 1994*).

Signature: _____

Date: _____

Background

I, _____, wish to declare that I identify as (tick those that apply):

- Aboriginal and/or Torres Strait Islander Background
- Culturally and Linguistically Diverse Background (multicultural)
- Person with a Disability

Signature: _____

Date: _____