



AUSTRALIA'S DISABILITY STRATEGY

ADVISORY COUNCIL

TERMS OF REFERENCE

1 Introduction and background

Australia's Disability Strategy 2021-2031 (ADS) is Australia's 10-year national disability policy framework and plays an important role to protect, promote and realise the rights of people with disability. The vision of ADS is for an inclusive Australian society that ensures people with disability can fulfil their potential, as equal members of the community. Further information on ADS is available on [ADS Hub](#).

As part of ADS Governance Model and Engagement Plan, Australia's Disability Strategy Advisory Council (Advisory Council) was established to provide independent advice to Disability Ministers and Australian, state, territory and local governments on the main elements of ADS. The Advisory Council, along with other engagement approaches under ADS, ensures people with disability have an active role and shape the implementation, monitoring, and evaluation of ADS. The Advisory Council was established in December 2021, with its inaugural meeting held on 15 March 2022. **Attachment A** shows how the Advisory Council interacts with government ministers and also with other bodies that provide advice to governments.

2 Purpose and function

The Advisory Council's key purpose is to provide high-level advice to the Australian, state and territory Disability Ministers and governments (including local governments) on the implementation, monitoring, and evaluation of ADS. The primary function of the Advisory Council is to provide ongoing independent advice, feedback, and recommendations at a national level on ADS, including on:

- Targeted Action Plans (TAPs)
- Associated Plans
- The Outcomes Framework
- Any significant reviews or reports impacting the Disability Community,
- Periodic progress/implementation reports

In providing advice on the main elements of ADS, the Advisory Council can explore and examine any component of these main elements, in order to develop their independent advice, feedback and recommendations.

The Advisory Council may provide advice to Disability Ministers and governments on other issues falling within scope of ADS outcome areas if agreed by all governments.

The Advisory Council may also discuss and raise emerging issues and themes raised in the disability community. These will be captured in the Advisory Council's communiqué and distributed to a number of governance groups. Submissions may be prepared on individual issues and shared with the relevant government/s for their consideration.

The Advisory Council will provide advice that may be used by governments as an input for reporting on Australia's obligations under the Convention on the Rights of Persons with Disabilities (UN CRPD).

To support these functions, members of the Advisory Council will:

- act in a collegiate and collaborative manner when discussing and resolving issues
- actively participate in all meetings and share information
- respect the confidentiality of the Advisory Council proceedings where required
- work within a model and philosophy of consensus decision-making.

3 Membership

The Advisory Council is comprised of up to twelve members who are appointed by the Australian Government Minister responsible for Disability as follows:

- A Chair
- Up to five Core members
- Four State and Territory Disability Advisory Council Representatives
- Two Special Advisers

Advisory Council members may only be appointed outside of these parameters with the written permission of the Australian Government Minister responsible for Disability. Special Advisers will participate in Advisory Council meetings and contribute to Advisory Council's

advice to Ministers and governments but will not be required to formally sign off on the advice of the Advisory Council.

Members of the Advisory Council must meet the below criteria:

Member type	Criteria
Chair	<p>Must be a person with disability who may represent one or more of the following cohorts:</p> <ul style="list-style-type: none"> • Women with disability • First Nations people with disability • Culturally and Linguistically Diverse people with disability • Young people with disability • People with remote or thin market expertise.
Core Member (up to five)	<p>Must be a person with disability representing one or more of the following cohorts:</p> <ul style="list-style-type: none"> • Women with disability (with a substantial proportion of members being women) • First Nations People with disability • Culturally and Linguistically Diverse people with disability • Young people with disability • LGBTQI+ people with disability • People with remote or thin market expertise <p>Core members are also recognised for their interest and championing of individual issues faced by the disability community.</p>
State and Territory Disability Council Representative members (four members)	<p>Must be current members of the relevant jurisdictional disability advisory council and are nominated by the Minister with responsibility for their jurisdiction. They must:</p> <ul style="list-style-type: none"> • be people with disability; and/or • have personal, lived experience, of challenges faced by the disability community; and/or • have extensive knowledge of disability issues.
Special Advisors (two members)	<p>The Special Advisor on the Advisory Council is a liaison between the government and Advisory Council. Selected due to their government experience and background in the disability sector, Special Advisors support Advisory Council members by advising on government relations and relevant policy.</p>

Member type	Criteria
	They will have lived experience or expertise in matters relating to the disability community.

The criteria listed above outline a number of cohorts relevant to people with lived experience of disability. It is acknowledged that a single Advisory Council member may represent one or more of these cohorts. Advisory Council members are recognised to possess a wide range of skills, expertise and experience; a sound understanding of disability-related issues; and an understanding of the social and human rights models of disability.

All Advisory Council members must reside in Australia.

As part of its yearly review of the Advisory Council Terms of Reference, the Advisory Council will assess whether its membership adequately reflects people with disability in Australia and, if not, advise the Australian Government Minister responsible for Disability of potential changes in membership composition. The Minister has the discretion to make changes to the membership of the Advisory Council in response to this advice.

Members are expected to attend all meetings of the Advisory Council. Where members are unable to attend, they should endeavour to provide as much notice of their absence as possible to the Chair and Secretariat.

4 Terms of appointment

4.1 Term

The Advisory Council will operate for the term of the ADS (2021–2031). Members are appointed for a term as below.

Member type	Term	Opportunity for extension
Chair	Three years	Possible up to 12 month extension
Core Member	Three years	Possible up to 12 month extension
State and Territory Disability Council Representative members	12 months	Possible up to 3 months to support transition to new members*
Special Advisors	Not more than two years	Possible up to two year extension

*These are rotating roles that change jurisdictions every 12 months.

When an opportunity for extension is identified, the Australian Government Minister responsible for Disability is responsible for approving this extension.

4.2 Resignation

Advisory Council members may resign from the Advisory Council at any time by providing a letter to the Advisory Council Chair and/or Secretariat stating the intention to resign. The letter must be presented at least two weeks prior to the date of resignation (unless there are exceptional circumstances). The Australian Minister for Disability will consider appointments to vacancies, as appropriate, in consultation with the Chair and Advisory Council members.

4.3 Termination

The Australian Minister for Disability may, at their sole discretion and in agreement with the relevant state or territory Minister (where a state or territory representative is involved), and for any reason, terminate the term of an Advisory Council member by providing written notice to the member and the Chair. Termination will take effect on the date stated in the letter. Factors the Australian Minister for Disability may consider regarding termination an Advisory Council member include if a member does not

attend three or more meetings, where the Advisory Council membership does not appropriately reflect the lived experience of people with disability in Australia, or under any other relevant circumstances.

Following the termination of a member, the Australian Minister for Disability will consider appointments to vacancies, as appropriate, in consultation with the Chair and Advisory Council members.

The Australian Minister for Disability will keep state and territory disability ministers informed of any terminations.

5 The Chair

If the Chair is absent from a meeting, they will nominate an Advisory Council core member to preside. Where members have missed three consecutive meetings without reasonable excuse, it will be at the discretion of the Chair to decide whether to recommend to the Minister that the seat be declared vacant and to seek a replacement member.

6 Quorum

A quorum of Advisory Council members must be present before a meeting can proceed. The Chair and at least half of the Advisory Council members must be present for a quorum. The Chair and/or the Advisory Council Secretariat should be advised of a member's inability to attend as soon as is practical. Any vacancy on the Advisory Council will not affect its power to function.

7 Powers of the Advisory Council

The Advisory Council will provide independent advice, feedback, and recommendations on ADS to Commonwealth and State and Territory governments, but will not have a formal decision-making role.

The advice of the Advisory Council will take two forms:

- Formal advice: which is set out in the Advisory Council's annual work plan as endorsed by Australian, state and territory Disability Ministers, or as requested by Disability Ministers.
- Informal advice/ feedback: this advice will be provided in the Advisory Council's formal meetings by Advisory Council members and reflected in the meeting communiqué or Advisory Council briefing/submissions.

Formal advice will be in writing and may be accompanied by relevant documents as attachments. All formal advice will be approved by the Chair on behalf of the Advisory Council and may contain recommendations to Commonwealth or local governments, Australian, state and territory Disability Ministers and submissions to other disability initiatives.

8 Meetings

The Advisory Council will determine the frequency of its formal meetings, which will be a minimum of three times per year. Additional meetings of the Advisory Council, or a subset of the Advisory Council, may be held outside of the scheduled meetings, with approval by the Chair.

Advisory Council meetings will be held virtually (via video or teleconference) with no more than one face-to-face meeting per year (unless required).

The Chair (or a core member delegated by the Chair) will:

- attend at least one meeting of Disability Reform Ministers annually
- attend other relevant Government Ministers' meetings (and forums) as required
- meet annually with Chairs of the State/Territory Ministerial Advisory Councils on Disability
- attend other relevant stakeholder forums as required.

It will be at the discretion of the Chair to determine attendance by other Advisory Council members to relevant meetings and forums.

With the Chair's prior approval, and subject to invitation by the Chair, individuals and/or organisation representatives and/or other key stakeholders may be invited to attend an Advisory Council meeting to provide specific knowledge, expertise, and/or advice on particular issues.

Communiqués will be developed for each formal meeting and a copy will be provided to Australian, state, territory governments and representative bodies of local government for information.

9 Sub-groups

Where required, the Advisory Council, with the Chair's approval, may establish sub-groups dedicated to particular tasks. Up to three sub-groups may be in operation at one time. These may include, for example:

- Time-limited thematic advisory groups
- Advisory groups to address any significant reviews or reports impacting the Disability Community, such as the review of ADS, Disability Royal Commission or NDIS Review
- Advisory groups to align with the TAPs.

Sub-group members will be determined by the Chair in agreement with Advisory Council members and the Australian Government Minister responsible for Disability. The Terms of Reference for sub-groups will be agreed to by the Chair and formally recorded in the Advisory Council meeting communiques. Sub-groups are accountable to, and report to, the Advisory Council.

10 Consultation, engagement and advice

The Advisory Council provides independent advice to governments and state/territory disability advisory councils on the implementation, monitoring, and evaluation of ADS. In undertaking its role, the Advisory Council will identify and engage with a range of stakeholders to inform its work. Importantly, the Advisory Council will ensure that the voices, views, and experiences of people with disability are prioritised in its work. The Advisory Council recognises the critical importance of ensuring its work is undertaken within an intersectional human rights approach, consistent with the approach set out in ADS and international human rights obligations, so that initiatives endeavour to create a more equal society for people with disability. In this context, the Council will also seek views from the Disability Discrimination Commissioner on key initiatives as part of their work.

Prior to making recommendations concerning an individual state or territory government the Advisory Council will discuss the issue with the relevant state or territory Disability Minister and advisory council (if one is in place). This will ensure jurisdictional knowledge on an issue is incorporated in the Advisory Council's advice to governments.

11 Reporting

From 2024, the Advisory Council will report to Disability Ministers on the outcomes of the Advisory Council's work twice a year. The Advisory Council will report on its Work Plan and activities in such a way as to enable outcomes of its work to be assessed by Disability Ministers. The report or a summary will be published on the Advisory Council's pages on ADS Hub after consultation and agreement by all Disability Ministers.

The Advisory Council will contribute, as required, to reporting processes under ADS reporting framework.

12 Communications and media

The Advisory Council has an online presence with dedicated web pages on the ADS Hub on the Disability Gateway.

An outline of non-confidential matters discussed at each Advisory Council meeting will be agreed by Advisory Council Chair and secretariat. This outline will be published as a meeting communiqué as soon as possible following the meeting and made available in accessible formats on the Advisory Council's web pages as soon as practical. A record of consultations undertaken will also be made available.

The Advisory Council Secretariat has developed a communications guide for members outlining their responsibilities when using social media. The Secretariat will conduct an annual review of Advisory Council photograph consent forms.

13 Remuneration, travel costs and support requirements

The Australian Government, through the Department of Social Services, will fund Advisory Council operations including establishment and maintenance of the Advisory Council and its sub-groups. Sitting fees for Advisory Council members will be paid by the Australian Government, using the rates set out in the latest *Remuneration Tribunal (Remuneration and Allowances for Holders of Part-time Public Office) Determination* as a guide.

Travel, accommodation and out of pocket expenses for Advisory Council members will be met by the Australian Government at the rates outlined in the latest *Australian Government's Remuneration Tribunal (Official Travel) Determination*.

Funding for support requirements and/or reasonable adjustments for Advisory Council members will be provided by the Australian Government on an as-needed basis.

14 Confidentiality and conflicts of interest

Advisory Council members will be required to maintain up-to-date registers of any conflicts of interest, which will be reviewed by the Advisory Council Secretariat to determine potential preclusions from representation on the Advisory Council. It is the responsibility of Advisory Council members to advise the Chair and Secretariat of any actual or perceived conflicts of interest during their tenure and in relation to particular discussions at individual meetings of the Advisory Council or any sub-group that is established. The Advisory Council Secretariat will conduct a conflict of interest review on an annual basis.

On occasion, Advisory Council members may be provided with confidential material. Members will be able to seek advice from the Secretariat where they have queries about confidential information and circumstances in which it may be shared beyond the Advisory Council.

The Australian Government acknowledges that Advisory Council members will often have separate roles working with people with disability and may discuss issues relating to people with disability in the media and public forums, which is non-confidential in nature, and which is not representative of the Advisory Council.

15 Privacy

As part of the Advisory Council's function and roles, the Advisory Council may have access to personal information as defined in the *Privacy Act 1988* (Cth).

As set out in the relevant declaration of confidentiality entered into upon their appointment, Advisory Council members must abide by the provisions of the *Privacy Act 1988* (Cth), including the Australian Privacy Principles set out in that Act. A Council member must not do an act, or engage in a practice, that would breach an Australian Privacy Principle if done or engaged in by the Department of Social Services.

The Australian Privacy Principles are available on the Australian Government Office of the Australian Information Commissioner website at www.oaic.gov.au/privacy/australian-privacy-principles/read-the-australian-privacy-principles

16 Advisory Council support

The Australian Government will fund two research officers within the Department of Social Services to assist the Advisory Council to fulfil the Advisory Council's purpose and function.

On occasion, with agreement of the Advisory Council Chair, the Australian Government will fund independent experts to assist the Advisory Council.

The Department of Social Services will provide secretariat services for the Advisory Council (and any sub-groups). The Secretariat will provide the following supports, including but not restricted to:

- Providing relevant policy advice
- Drafting of agendas and related papers for meetings
- Arranging Advisory Council meetings (including virtual meetings)
- Distributing relevant information to Advisory Council members at least seven working days before an Advisory Council meeting
- Ensuring all members are kept informed of issues and information relevant to the work of the Advisory Council
- Recording and distributing the minutes of Advisory Council meetings to Advisory Council members
- Arranging venues and catering for meetings (including accessible venues, travel, and transport)
- Verifying and arranging payment of associated travel costs and reimbursement of eligible expenses
- Developing accessible formats of key Advisory Council documents (e.g.: communiqués, Annual Reports, Annual Work plans)
- Developing and maintaining the Advisory Council's online presence on the ADS Hub.

The Council Chair will provide a yearly update to The Australian Government on whether the support provided to the Council is sufficient to fulfil the Council's purpose and function. The Australian Government will share information from the yearly updates with state and territory governments.

17 Budget

The Advisory Council's budget is determined by the funding provided by the Australian Government for its establishment and operations. All aspects of the Advisory Council's operations including meetings, sub-groups, travel, commissioning of advice and consultations must operate and be maintained within the Advisory Council's budget and may be limited by the need to stay within the budget. All decisions made in relation to the Advisory Council must consider any cost implications to ensure the Advisory Council works within its annual budget.

A minimum of three meetings, including one face-to-face, are covered in the budget each financial year. The Secretariat will manage the budget and address queries from the Chair on decisions that are contingent on funding.

18 Review

The Advisory Council and the Australian Government will work together to review the Terms of Reference and the level of Advisory Council Support annually to ensure they continue to meet the requirements of the Advisory Council and governments.

The Terms of Reference can be amended at any time at the instigation of the Advisory Council with the agreement of all Disability Ministers from Australian, state and territory disability governments. Disability Ministers can also initiate changes to the Terms of Reference, ahead of any change occurring, there will be discussions with the Chair of the Advisory Council.

19 Contact details

ADS Advisory Council Secretariat ADSAdvisoryCouncil@dss.gov.au or phone 1800 334 505.

20 Current Advisory Council Membership

Photographs and biographies for the current Advisory Council members can be found on the Disability Gateway - [Advisory Council biographies | Disability Gateway](#).

Endorsed by Disability Reform Ministerial Council (DRMC)	13 December 2022	Version 1.0
Amended to include DRMC agreement to expand the membership	27 January 2023	Version 1.1
Annual Terms of Reference Review	December 2023	Version 2.0
Endorsed by Disability Reform Ministerial Council (DRMC)	9 February 2024	Version 2.1

Attachment A

Australia's Disability Strategy Advisory Council

