

Access & Inclusion Advisory Committee

The Access & Inclusion Advisory Committee operates under the *Western Australian Disability Services Act 1993 (amended 2004)*.

2 x Councillors (including 1 x Deputy)	-	Cr Kevin Trent Cr Jane Ferro
	-	Cr Denese Smythe
7 x Community Delegates	-	Ms Liz Christmas – Community Representative Ms Rosemary Parker – Community Representative Ms Bev Penny – Community Representative Ms Marie Forster – Community Representative Ms Marjorie Kerkoff – Community Representative Ms Tegan Walsh – Wanslea Representative Ms Sarah Sloss – Community Representative
Chairperson/ Deputy	-	Ms Bev Penny (Chairperson); Ms Marie Forster (Deputy Chair)
Officer Responsible	-	Executive Manager, Corporate and Community Services
Standing Ex-Officio Members	-	Chief Executive Officer Executive Manager, Corporate and Community Services
Meeting Schedule	-	Quarterly and as required
Meeting Location	-	Council Chambers, York Town Hall
Quorum	-	Five (5) voting members as per Section 5.15 of the <i>Local Government Act 1995</i> including at least one Councillor.
Delegated Authority	-	Nil

Meetings are open to the public.

FUNCTIONS:

1.0 NAME

The name of the Committee is the Access and Inclusion Advisory Committee

2.0 DISTRICT/AREA OF CONTROL

Local Government boundaries of the Shire of York.

3.0 VISION / PURPOSE

To provide valuable expertise and advice that will contribute towards improvements in disability access and inclusion throughout the Shire of York.

Disability Services Regulations 2004

Schedule 3 – Desired outcomes of disability access and inclusion plans

1. *People with disabilities have the same opportunities as other people to access the services of, and any events organised by, a public authority.*
2. *People with disabilities have the same opportunities as other people to access the buildings and other facilities of a public authority.*
3. *People with disabilities receive information from a public authority in a format that will enable them to access the information as readily as other people are able to access it.*
4. *People with disabilities receive the same level and quality of service from the staff of a public authority as other people receive from the staff of that public authority.*
5. *People with disabilities have the same opportunities as other people to make complaints to a public authority.*
6. *People with disabilities have the same opportunities as other people to participate in any public consultation by a public authority.*
7. *People with disability have the same opportunities as other people to obtain and maintain employment with a public authority*

4.0 STATUTE

The Committee operates according to the *Western Australia Disability Services Act 1993 (amended 2004)*. Public authorities are required to prepare and implement Disability Access and Inclusions Plans (DAIP's).

Local Government Act 1995

Subdivision 2 — Committees and their meetings

5.8. Establishment of committees

A local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

** Absolute majority required.*

Disability Services Act 1993

Part 5 — Disability access and inclusion plans by public authorities [Heading amended by No. 57 of 2004 s. 19.]

27. Application of Part

- (1) *This Part applies to public authorities.*
- (2) *Notwithstanding subsection (1), regulations may declare that this Part does not apply to a specified public authority.*

28. Disability access and inclusion plans

- (1) *Each public authority must have a disability access and inclusion plan to ensure that in so far as its functions involve dealings with the general public, the performance of those functions furthers the principles in Schedule 1 and meets the objectives in Schedule 2.*
- (2) *A disability access and inclusion plan must meet any prescribed standards.*
- (3) *A public authority must lodge its disability access and inclusion plan with the Commission —*
 - (a) *if the authority was established before the commencement of the Disability Services Amendment Act 2004, without delay;*
 - (b) *if the authority is established after the commencement of the Disability Services Amendment Act 2004, within 12 months after the day on which it is established.*
- (4) *A public authority may amend its disability access and inclusion plan at any time.*
- (5) *A public authority may review its disability access and inclusion plan at any time.*

- (6) *After reviewing its disability access and inclusion plan, a public authority must lodge a report of the review with the Commission in accordance with subsection (7).*
- (7) *Not more than 5 years is to elapse —*
 - (a) *between the day on which a public authority first lodges its disability access and inclusion plan with the Commission and the day it lodges a report of a review of the plan with the Commission; or*
 - (b) *between the lodgement of the report of one review of a plan and the lodgement of the report of another review of the plan.*
- (8) *After reviewing its disability access and inclusion plan, a public authority may amend the plan or prepare a new plan.*
- (9) *If at any time a public authority amends its disability access and inclusion plan or prepares a new plan, whether after a review or not, it must lodge the amended or new plan with the Commission as soon as practicable after doing so.*
- (10) *A public authority must undertake public consultation in accordance with the procedure specified in the regulations when preparing, reviewing or amending a disability access and inclusion plan.*

[Section 28 inserted by No. 57 of 2004 s. 20(1).]

29. Report about disability access and inclusion plan

- (1) *A public authority that has a disability access and inclusion plan must, if required to report under Part 5 of the Financial Management Act 2006, include in such report, a report about the implementation of the plan.*
- (2) *A local government or regional local government that has a disability access and inclusion plan must include in its annual report prepared under section 5.53 of the Local Government Act 1995 a report about the implementation of the plan.*
- (3) *A public authority that —*
 - (a) *has prepared or amended a disability access and inclusion plan in a year ending 30 June; and*
 - (b) *is not required to report under subsection (1) or (2),**must make a report about the implementation of the plan to the Commission within 2 months after the end of that year.*
- (4) *The regulations may prescribe information that must be included in a report under subsection (1), (2) or (3) about the implementation of a disability access and inclusion plan.*

[Section 29 inserted by No. 44 of 1999 s. 14; amended by No. 57 of 2004 s. 21; No. 5 of 2005 s. 38; No. 77 of 2006 s. 17.]

29A. Disability access and inclusion plans to be made available

A public authority that has a disability access and inclusion plan must ensure that the plan is made available to people with disabilities, and the public generally, by publication in the prescribed manner.

[Section 29A inserted by No. 57 of 2004 s. 22.]

29B. Public authorities to ensure implementation of a disability access and inclusion plan

A public authority that has a disability access and inclusion plan must take all practicable measures to ensure that the plan is implemented by the public authority and its officers, employees, agents or contractors.

[Section 29B inserted by No. 57 of 2004 s. 22.]

Disability Services Regulations 2004

7. Standards for disability access and inclusion plans (s. 28)

For the purposes of section 28(5) of the Act, the standards that a disability access and inclusion plan must meet are those specified in Schedule 2.

8. Information in reports about disability access and inclusion plans (s. 29)

For the purposes of section 29(4) of the Act, a report about a disability access and inclusion plan must include information relating to —

- (a) progress made by the relevant public authority and any agents and contractors of the relevant public authority in achieving the desired outcomes specified in Schedule 3; and*
- (b) the strategies implemented by the relevant public authority to inform its agents and contractors of its disability access and inclusion plan.*

9. Publication of disability access and inclusion plans (s. 29A)

For the purposes of section 29A, a public authority must publish its disability access and inclusion plan in a document that is made available —

- (a) on request, at the offices of the authority —
 - (i) in an electronic format;*
 - (ii) in hard copy format in both standard and large print; and*
 - (iii) in an audio format on cassette or compact disc;**
- (b) on request, by email; and*
- (c) on any website maintained by or on behalf of the authority, and notice of which is given in a newspaper circulating throughout the State or, in the case of a local government, the district of that local government under the Local Government Act 1995.*

Disability Services Regulations 2004

Schedule 2 – Standards for disability access and inclusion plans

- 1. A disability access and inclusion plan must provide a means of ensuring that people with disabilities have the same opportunities as other people to access the services of, and any events organised by, the relevant public authority.*
- 2. A disability access and inclusion plan must provide a means of ensuring that people with disabilities have the same opportunities as other people to access the buildings and other facilities of the relevant public authority.*
- 3. A disability access and inclusion plan must provide a means of ensuring that people with disabilities receive information from the relevant public authority in a format that will enable them to access the information as readily as other people are able to access it.*
- 4. A disability access and inclusion plan must provide a means of ensuring that people with disabilities receive the same level and quality of service from the staff of the relevant public authority as other people receive from that authority.*
- 5. A disability access and inclusion plan must provide a means of ensuring that people with disabilities have the same opportunities as other people to make complaints to the relevant public authority.*
- 6. A disability access and inclusion plan must provide a means of ensuring that people with disabilities have the same opportunities as other people to participate in any public consultation by the relevant public authority.*

Shire of York Meeting Local Law 2016

The Shire of York Meeting Local Law 2016 applies.

5.0 ESTABLISHMENT

The Access and Inclusion Advisory Committee was established in 2017 as per Council Resolution.

6.0 OBJECTIVES

The purpose of the Committee is to provide advice to Council on the development, implementation, review and evaluation of the Disability Access and Inclusion Plan (DAIP) to ensure Council meets its obligations under the *Disability Services Act 1993 (amended 2004)*.

The Committee is to:

- Contribute to the collation and development of information to inform the council on disability access and inclusion issues in the Shire of York.
- To assist the engagement of a broad cross-section of the Shire of York Community, both residents and visitors, through consultative processes.
- Contribute to the development, implementation and review of the DAIP and projects that contribute to achieving the objectives of the DAIP.
- Make recommendations to the Council in relation to disability access and inclusion strategies to overcome barriers in the Shire of York.

7.0 MEMBERSHIP

7.1 General

Council will appoint 2 Council Delegates and 1 Deputy that are members of Council.

7.2 Tenure of Membership

Local Government Act 1995

5.11. Tenure of committee membership

- (1) *Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —*
- (a) *the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;*
 - (b) *the person resigns from membership of the committee;*
 - (c) *the committee is disbanded; or*
 - (d) *the next ordinary elections day, whichever happens first.*
- (2) *Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —*
- (a) *the term of the person's appointment as a committee member expires;*
 - (b) *the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant;*
 - (c) *the committee is disbanded; or*
 - (d) *the next ordinary elections day, whichever happens first.*

7.3 Reasons for removal of Membership

In accordance with **Section 2.7(2) of the Local Government Act 1995**, Council determines the Shire's policies and the Access and Inclusion Advisory Committee is subject to *Policy E1 - Code of Conduct: Council Members, Committee Members & Candidates*.

Members may be removed from the Access & Inclusion Committee if they do not abide by the general principles to guide the behaviour of committee members listed in the Code of Conduct policy.

Committee Members are required to attend in person a minimum of two meetings per financial year. Members unable to meet this minimum requirement may be removed from the Access & Inclusion Committee.

8.0 DELEGATED AUTHORITY

The Committee does not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility and does not have any delegated financial responsibility. Unless provision has been made in the Budget for expenditure, Committees require an officer report to be presented to Council for endorsement of any proposed expenditure.

9.0 COMMITTEE

9.1 Chairperson

Members to elect a Chairperson and Deputy Chairperson from the membership.

The Chairperson is **Ms Bev Penny** and Deputy Chairperson is **Ms Marie Forster**.

9.2 Secretariat

A Shire Officer will fulfil this administrative non-voting role.

9.3 Standing Ex-Officio Members

Executive Manager, Corporate & Community Services and/or his/her delegate(s) will be standing ex-officio members. Other officers or community members may be invited to attend meetings as required and to be determined by the Chief Executive Officer.

10.0 MEETINGS

10.1 Annual General Meeting

No AGM.

10.2 Committee Meetings

The Chief Executive Officer will call meetings every three months and as required. Committee meetings will be advertised as per statutory requirements.

10.3 Quorum

Five (5) voting members as per Section 5.15 of the *Local Government Act 1995*.

5.15. Reduction of quorum for committees

The local government may reduce the number of offices of committee member required for a quorum at a committee meeting specified by the local government if there would not otherwise be a quorum for the meeting.*

** Absolute majority required.*

10.4 Voting

Local Government Act 1995

S 5.21 - Voting

- (1) *Each council member and each member of a committee who is present at a meeting of the council or committee is entitled to one vote.*
- (2) *Subject to section 5.67, each council member and each member of a committee to which a local government power or duty has been delegated who is present at a meeting of the council or committee is to vote.*
- (3) *If the votes of members present at a council or a committee meeting are equally divided, the person presiding is to cast a second vote.*
- (4) *If a member of a council or a committee specifically requests that there be recorded —*
 - (a) *his or her vote; or*
 - (b) *the vote of all members present, on a matter voted on at a meeting of the council or the committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.*
- (5) *A person who fails to comply with subsection (2) or (3) commits an offence.*
[Section 5.21 amended by No. 49 of 2004 s. 43.]

10.5 Minutes

The person presiding at a meeting is to ensure that the Minutes are kept of the meetings proceedings.

The minutes may be confirmed by a majority of members present at the meeting, by committee resolution at the following meeting. Once Minutes have been confirmed by members they are to be posted on the Shire's website.

Recommendations arising from the Minutes shall be presented to Council at the next available Ordinary Meeting for endorsement and/or action or earliest available Council meeting if it is not possible to present the Minutes to the next Ordinary Council Meeting.

10.6 Who Acts if No Presiding Member

Local Government Act 1995

5.14 Who acts if no presiding member

If, in relation to the presiding member of a committee —

- (a) *the office of presiding member and the office of deputy presiding member are vacant; or*
- (b) *the presiding member and the deputy presiding member, if any, are not available or are unable or unwilling to perform the functions of presiding member, then the committee members present at the meeting are to choose one of themselves to preside at the meeting.*

10.7 Members Interests to be Disclosed

Members of the Access & Inclusion Advisory Committee are required to declare their financial interests and complete a Declaration form where relevant, using the principles detailed in the Local Government Act Section 5.65-5.70 with respect to disclosure of financial, impartiality or proximity interests ('CEO' in the LGA text means the 'Chairperson' in the committee sense).

5.65. Members' interests in matters to be discussed at meetings to be disclosed

- (1) *A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest —*
 - (a) *in a written notice given to the CEO before the meeting; or*
 - (b) *at the meeting immediately before the matter is discussed.*

Penalty: \$10 000 or imprisonment for 2 years.

- (2) *It is a defence to a prosecution under this section if the member proves that he or she did not know —*
- (a) *that he or she had an interest in the matter; or*
 - (b) *that the matter in which he or she had an interest would be discussed at the meeting.*
- (3) *This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).*

5.9. Types of committees

- (1) *In this section — “other person” means a person who is not a council member or an employee.*
- (2) *A committee is to comprise —*
 - (f) *other persons only.*

5.66. Meeting to be informed of disclosures

If a member has disclosed an interest in a written notice given to the CEO before a meeting then —

- (a) *before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and*
- (b) *at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before the matters to which the disclosure relates are discussed.*

[Section 5.66 amended by No.1 of 1998 s.16; No. 64 of 1998 s.33.]

5.67. Disclosing members not to participate in meetings

A member who makes a disclosure under section 5.65 must not —

- (a) *preside at the part of the meeting relating to the matter; or*
- (b) *participate in, or be present during, any discussion or decision making procedure relating to the matter, unless, and to the extent that, the disclosing member is allowed to do so under section 5.68 or 5.69.*

Penalty: \$10 000 or imprisonment for 2 years.

5.68. Councils and committees may allow members disclosing interests to participate etc. in meetings

- (1) *If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter —*
- (a) *may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and*
 - (b) *may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if —*
 - (i) *the disclosing member also discloses the extent of the interest; and*
 - (ii) *those members decide that the interest —*
 - (I) *is so trivial or insignificant as to be unlikely to influence the disclosing member’s conduct in relation to the matter; or*
 - (II) *is common to a significant number of electors or ratepayers.*
- (2) *A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.*
- (3) *This section does not prevent the disclosing member from discussing, or participating in the decision making process on, the question of whether an application should be made to the Minister under section 5.69.*

5.69. Minister may allow members disclosing interests to participate etc. in meetings

- (1) *If a member has disclosed, under section 5.65, an interest in a matter, the council or the CEO may apply to the Minister to allow the disclosing member to participate in the part of the meeting, and any subsequent meeting, relating to the matter.*
- (2) *An application made under subsection (1) is to include —*
 - (a) *details of the nature of the interest disclosed and the extent of the interest; and*
 - (b) *any other information required by the Minister for the purposes of the application.*
- (3) *On an application under this section the Minister may allow, on any condition determined by the Minister, the disclosing member to preside at the meeting, and at any subsequent meeting, (if otherwise qualified to preside) or to participate in discussions or the decision making procedures relating to the matter if —*
 - (a) *there would not otherwise be a sufficient number of members to deal with the matter; or*
 - (b) *the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.*
- (4) *A person must not contravene a condition imposed by the Minister under this section.*
Penalty: \$10 000 or imprisonment for 2 years.
[Section 5.69 amended by No. 49 of 2004 s. 53.]

5.69A. Minister may exempt committee members from disclosure requirements

- (1) *A council or a CEO may apply to the Minister to exempt the members of a committee from some or all of the provisions of this Subdivision relating to the disclosure of interests by committee members.*
- (2) *An application under subsection (1) is to include —*
 - (a) *the name of the committee, details of the function of the committee and the reasons why the exemption is sought; and*
 - (b) *any other information required by the Minister for the purposes of the application.*
- (3) *On an application under this section the Minister may grant the exemption, on any conditions determined by the Minister, if the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.*
- (4) *A person must not contravene a condition imposed by the Minister under this section.*
Penalty: \$10 000 or imprisonment for 2 years.
[Section 5.69A inserted by No. 64 of 1998 s. 34(1).]

5.70. Employees to disclose interests relating to advice or reports

- (1) *In this section —*
employee *includes a person who, under a contract for services with the local government, provides advice or a report on a matter.*
- (2) *An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.*
- (3) *An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest.*
Penalty: \$10 000 or imprisonment for 2 years.

5.71. Employees to disclose interests relating to delegated functions

- If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —*
- (a) *in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and*

(b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.

Penalty: \$10 000 or imprisonment for 2 years.