

Queensland Mental Health and Drug Advisory Council Terms of Reference

Introduction

The Queensland Mental Health and Drug Advisory Council (the Council) was established by the *Queensland Mental Health Commission Act 2013* (the Act) on 1 July 2013.

The Terms of Reference are based on provisions of the Act and principles as agreed by the Council.

Council Functions

Main functions

The Council's functions as set out in the Act (section 38) are to:

- Provide advice to the Commission on mental health or substance misuse issues on its own initiative; or at the request of the Commission; and
- Make recommendations to the Commission in relation to the Commission's functions.

The Council does not play a role in the day to day management of the Commission.

Recommendations to the Commission

The Commission must consult the Council on any special or ordinary reports, and whole-of-government Strategic Plans before they are provided to the Minister for Health (section 49 of the Act).

The Commission must also respond in writing to any recommendations made by the Council regarding the Commission's functions (section 50 of the Act).

Council Membership

The Council consists of people appointed by the Minister for Health to the position of Chair, Deputy Chair and ordinary members.

Appointments to the Council

The Council's Chair, Deputy Chair and members are appointed by the Minister for Health (currently the Minister for Health and Minister for Ambulance Services) under the Act.

When making appointments, the Minister must ensure the Council's membership reflects the diversity of the Queensland community and includes the appropriate skills, knowledge or experience (sections 39 and 40 of the Act).

Term of Membership

The Act enables the Council Chair, Deputy Chair and members to be appointed for a term of up to three years.

Membership vacancies

A member's term ends and their position becomes vacant if they:

- Complete their term of appointment;

- Resign by providing a signed notice to the Minister giving at least one month's notice;
- Is removed from office by the Minister for reasons outlined in the Act;
- Is suspended by the Minister for reasons outlined in the Act.

Council representation

The Council's official spokesperson is the Council Chair.

The Deputy Chair and ordinary members are encouraged to represent the Council at nominated events (with the prior approval of the Commissioner and Council Chair).

All media requests to speak to the Council Chair and members should be referred to the Secretariat. The Chair and the Commissioner will determine the appropriate response.

It is important to note the Council Chair, Deputy Chair and Council members do not represent the Commission.

Conduct of Business

The Chair, in consultation with the Queensland Mental Health Commissioner, may determine how the Council will conduct its business (section 42 of the Act).

Meetings of the Council

The Council will meet at least once every two months. The meetings will usually be held in Brisbane, but the Council and the Commissioner may agree to hold meetings in other Queensland locations.

Quorum

A Quorum for a meeting of the Council is half the number of members (section 43 of the Act).

Chairing Council meetings

The Council Chair will chair all Council meetings. In the Chair's absence Council meetings will be chaired by the Deputy Chair. If neither the Chair nor Deputy Chair is present, the Council meeting will be chaired by a member chosen by Council members (section 44 of the Act).

Decision making

The Council will seek to make decisions based on consensus.

Where consensus cannot be reached, a question at a meeting will be decided by a majority of votes of members present as required by the Act (section 45). If a vote is required and the votes are equal, the member chairing the meeting will have the casting vote.

Attendance at meetings

Members are required to attend Council meetings, and are encouraged to attend the meetings in person.

A member who cannot attend a meeting must seek a leave of absence from the Council Chair prior to the meeting date. The Minister may suspend a member if they do not attend three consecutive meetings without the Chair's permission (section 41 of the Act).

Members are not able to nominate a proxy to attend the Council meeting on their behalf.

The Commissioner is required by the Act to attend all Council meetings, unless excused by the Council Chair (section 42).

Guests

The Council Chair and the Commissioner may agree to invite a guest to attend a Council meeting.

Council Secretariat

The Commission will provide secretariat support to the Council.

Meeting agendas and papers

An agenda for each meeting will be approved by the Council Chair in consultation with the Commissioner. The agenda and associated papers will be provided to Council members by the secretariat at least seven working days before the meeting.

Committees

The Act enables the Council to establish committees of the Council for effectively and efficiently performing its functions (section 47 of the Act). The Committees do not represent the Council but are established to provide advice on any issues identified by the Council.

When establishing a committee, the Council will approve the Committee's Terms of Reference in consultation with the Commissioner (section 47 of the Act).

At least one member of the Committee must also be the Council Chair, Deputy Chair or member of the Council. Each Committee must report to the Council on a regular basis.

Code of Conduct and Ethics

The Council Chair, Deputy Chair and members are required to comply with the following policies:

- Public Service Commission's Code of Conduct for the Queensland Public Service
- The Commission's Public Interest Disclosure Guidelines
- The Commission's Fraud and Corruption Prevention Policy Guidelines

Conflicts of Interest

The Council Chair, Deputy Chair and members of the Council are required to declare any conflict of interest relating to Council business as soon as the conflict of interest becomes apparent.

A conflict of interest involves a conflict between duty, as a Council member, to serve the public interest and our personal interests. The conflict may arise from a range of factors including personal relationships, employment outside the Council, membership of special interest groups, or ownership of shares, companies, or property.

Confidentiality

Deliberations of the Council are to be kept confidential except where otherwise agreed by Council members. Confidentiality may be required by an individual Council member when discussing sensitive issues relating to their experiences.

Records of Meetings and Recommendations**Minutes**

Minutes recording the decisions of Council meetings and Committee meetings will be taken and kept (section 46 of the Act). Minutes will be taken by the secretariat and a draft provided to the Council Chair for approval and circulation to Council members.

The minutes will be confirmed as a true and accurate record of the meeting at the following meeting of Council.

Council Communique

The Council secretariat will prepare a communique outlining the significant decisions and key issues considered by the Council after each meeting. The Communique will be approved by the Council Chair and published on the Commission's website.

Commission's Annual Report

The Commission's Annual Report must include each recommendation made by the Council and any action taken. The Commission's Annual Report must also include a statement, approved by the Council Chair, about the Council's business (section 51 of the Act).

Remuneration and Allowances

The remuneration and allowances payable to the Council Chair, Deputy Chair and members has been approved by the Governor-in-Council. Details are outlined in the Queensland Mental Health and Drug Advisory Council Guidelines.

Review

The Terms of Reference will be reviewed regularly in line with the appointment and reappointment of the Council Chair. The Terms of Reference may be reviewed earlier, for example in the event amendments are made to the Act or the Minister provides a relevant direction.