

Terms of reference

2018–2021

Roles and responsibilities

The role of the Consultative Council on Obstetric and Paediatric Mortality and Morbidity (the Council) is to provide advice to the Minister for Health (the Minister) and the Department of Health (the department) on obstetric and paediatric issues in Victoria. The specific functions of the Council are outlined in the *Public Health and Wellbeing Act 2008*, namely to:

- a. conduct study, research and analysis into the incidence and causes in Victoria of maternal, deaths, stillbirths and the deaths of children;
- b. conduct study, research and analysis into the incidence and causes obstetric and paediatric mortality and morbidity;
- c. conduct a perinatal data collection unit for the purpose of-
 - i. collecting, studying, researching and interpreting information on and in relation to births in Victoria;
 - ii. identifying and monitoring trends in respect of perinatal health including birth defects and disabilities;
 - iii. providing information to the Secretary on the requirements for and the planning of neonatal care units;
 - iv. providing information for research into the epidemiology of perinatal health including birth defects and disabilities;
 - v. establishing and maintaining a register of birth defects and disabilities;
- d. Provide to health service providers-
 - i. information on obstetrics and paediatrics;
 - ii. strategies to improve obstetric and paediatric care;
- e. consider, investigate and report on any other matters in respect of obstetric and paediatric mortality and morbidity referred to the Council by the Minister or the Secretary;
- f. liaise with any other consultative Council (whether or not prescribed) on any matter relevant to the functions of the Council;
- g. publish an annual report on the research and activities of the Council;
- h. perform any other prescribed function;
- i. collect information for the purpose of performing its functions under this subsection.

During the next term, the Council will focus on:

- monitoring and interpreting trends in respect of obstetric and paediatric mortality and morbidity
- identifying systemic issues that may challenge the quality of care and outcomes for women and their children and identify opportunities for system wide improvement
- improving timeliness and availability of data and public reporting
- advising on specific matters referred to the Council by the Minister and the department as required.

Accountabilities

The Council is accountable to the Minister for Health and subject to the general direction of the Minister for Health and the Secretary of the department. The department provides the operation, project and secretariat support to the Council.

Membership

Under the *Public Health and Wellbeing Act 2008*, the Council will consist of not more than twelve members appointed by the Minister for Health and shall consist of:

- one member appointed as the Chairperson
- one member appointed as the Deputy Chairperson
- the majority of members must be persons with special knowledge which the Minister considers is relevant to the functions of the Council.

In addition, it is government policy that Councils accurately reflect the composition of the Victorian community. The Minister will attempt to ensure that there is a fair representation of women on the Council, encourage participation from regional Victoria and the Aboriginal community through consumer representation, and consult with other groups to ensure that strategies for fostering inclusive appointment processes are maintained.

Appointment process

A person is not a member until appointed by the Minister.

Nominations to the Council will be sought from relevant organisations and the Council secretariat will prepare these nominations for the Minister for review and final decision.

It is the Government's policy to seek a gender balance of representations on Public Entities and nominations for women are strongly encouraged.

Term of appointment

The Chairperson and other Council members are appointed for a period of up to three years from the date given on the relevant Ministerial Instruments of Appointment.

The Chairperson and members may be re-appointed for a subsequent term.

A sole Council member may hold dual roles, e.g. Sub-committee Chairperson and Council member.

Observers

The Chairperson or the Minister may invite any person who is not appointed as a member to attend meetings, or a part of a meeting(s) as an observer and participate in discussions.

Observers are to receive all relevant information provided to members of the Council except those designated confidential.

Any observers are bound by the Terms of Reference and must receive a copy in advance of the meeting.

A maximum of three general observers will sit with the Council at any one time.

Observers do not have the right to vote at Council meetings and cannot exercise any decision-making or other powers of an appointed member.

In addition to the general observer positions, the Chairperson or Minister may invite persons with proven skills as experts in relevant subject matter areas to sit as a technical specialist to contribute to Council discussions and advice, as appropriate.

Technical specialists will have the same status as general observers and are also bound by the terms in this document and must receive a copy of the Terms of Reference in advance of the meeting. A maximum of three technical specialists will sit with the Council at any one time.

Co-opted members

The Minister for Health may approve any person with special knowledge or skills to be co-opted to the Council to assist in a particular matter under section 34 of the Act. Upon approval, the person is considered to be a member of the Council until the period of co-option ends. The Act does not place a restriction on the period of time a person may be co-opted.

Remuneration

Under the Appointment and Remuneration Guidelines for Victorian Government Boards, Statutory Bodies and Advisory Committees (the Guidelines), remuneration will be paid to eligible members for their service on the Council. The Council is classified as a group C organisation, band 2 as defined by the Guidelines and the Chairperson and members shall be entitled to receive remuneration consistent with the Guidelines and as specified in their Instrument of Appointment. Reasonable expenses incurred in holding office as a member of the Council will be paid to members.

Leave arrangements

There are no leave provisions for this part-time statutory position.

Expenses

The members are entitled to reimbursement of reasonable travel and personal expenses that they incur as a result of their service to the Council, at rates that apply to departmental employees.

Resignation from office

A member may resign from office in writing addressed to the Minister.

Removal from office

The Minister, without cause, may remove a member from office at any time, by providing that member with notice in writing, which shall have immediate effect.

Vacancies

The department will invite nominations and an appointment will be made by the Minister, in consultation with the department.

Quorum

For a Council meeting quorum to be achieved, more than half of appointed members must be present or participate in the meeting by telephone, video links or any other system of telecommunication.

Decisions

In accordance with the Council's collective accountability to the Minister, all decisions will be made as a team. Each Council member will participate actively in each decision.

A decision of the Council is determined by the majority of votes of members who are present and voting on the question.

In the event of a deadlock, the Chairperson shall have a casting vote. Prior to making a decision, the Council will give due consideration to all the relevant information, issues, options and implications.

Sub-committees

Subject to the approval of the Minister, the Council may appoint a Sub-committee for the purposes of carrying out any of its functions.

The Council shall have four Sub-committees, namely:

- the Stillbirth Sub-Committee
- the Neonatal Mortality and Morbidity Sub-committee
- the Child and Adolescent Mortality and Morbidity Sub-committee
- the Maternal Mortality and Morbidity Sub-committee.

The Council selects and appoints members to the Sub-committees.

The Chairperson of the Sub-committee will provide regular reports to the Council and refer matters of relevant importance to the Council.

Meeting procedure

Distribution of information

Agendas and meeting papers will be prepared by the secretariat of the Council in consultation with the Chairperson and distributed no later than one week prior to the meeting.

Draft minutes will be prepared and distributed within three weeks following the meeting. Minutes will be ratified at the next Council meeting.

Information circulated to members of the Council may be distributed by hard copy or electronic methods. Govdex, a secure online communication tool is the preferred electronic method of distribution. Members will be required to access most of their meeting papers through this secure online information sharing tool which is hosted by the Australian government.

All members are expected to destroy both electronic and paper copies of documents and files at the end of each meeting.

Conflict of interest

The *Public Administration Act 2004* and policies of the Public Sector Standards Commission, and the department applies to all Council members and observers.

A conflict of interest is a conflict between a member's public duty to act in the best interests of the Council and his or her private interests and / or duty to another organisation.

A member who has a direct, indirect or perceived interest (including a pecuniary interest) in a matter being discussed at a meeting must declare the nature of the interest as soon as possible after becoming aware of the interest.

At the commencement of each meeting, the Chairperson shall enquire of all members whether there is any potential for a conflict of interest to arise regarding any item of the meeting agenda, or any matter to be discussed. The Chairperson or member presiding at a meeting at which a declaration of an interest is made shall cause the declaration to be recorded in the minutes of the meeting.

A member who has made a declaration of an interest may not take part in any discussion of the matter to which the declaration relates unless the Chairperson or member presiding directs otherwise. They may be requested to leave the meeting room during the discussion.

A member who has made a declaration of an interest must not vote on the matter to which the declaration relates and is expected to remove themselves from the meeting room at the time of the vote.

Time commitment

Council meetings will be held not less than four times a year at a duration of one and a half hours per meeting. Meetings will be scheduled at the commencement of each year. If a need arises, additional meetings will be scheduled as determined by the Chairperson of the Council. All appointed members are expected to commit the required time and make a significant contribution.

A minimum attendance of 75 per cent of meetings is required and members who do not achieve this target may have their membership revoked.

Out-of-session

Members may be required to engage in Council work out-of-session. This may necessitate more frequent correspondence, reading and review of materials, meetings, or involvement in working groups for specific projects.

Secretariat

Project and secretariat support to the Council is provided by the department.

The secretariat provides project and administrative support to the Council with its responsibilities being:

- to coordinate and manage all Council meetings
- manage the communication of all Council outcomes
- brief the Minister on any recommendations or advice of the Council
- where applicable, prepare and distribute all meeting materials accordingly and within appropriate timeframes;
- prepare and distribute minutes
- provide ongoing project support to the Council
- ensure that the Council is aware of legislative and other requirements
- provide policy support and coordination to the Council in their deliberations.

Confidentiality

Council meeting papers and deliberations are protected under section 42 of the *Public Health and Wellbeing Act 2008*. Members of the Council must not discuss any deliberations or circulate any meeting agendas, minutes, papers or other materials publicly, or in any other forum, without the consent from the Minister for Health.

The matter of confidentiality will rest not just with the individual member but also with the administration and membership of their respective groups and organisations.

Council members are to refer all media enquiries about the Council and its Sub-committees to the Secretariat.

The Chairperson, Deputy Chairperson or other Council members may be called upon by the Minister for Health or the department to respond to media upon request.

Council performance

Council performance will be assessed by the Secretariat or an independent evaluator every three years, including:

- the activities of the Council, particularly against its legislative functions
- the collective performance of the Council
- the performance of individual Council members
- the Chairperson and Deputy Chairpersons performance of his/her additional duties.

The purpose of performance assessment is to enable performance areas that require improvement to be identified and addressed. The performance measures will be established and agreed with the Council through the overall strategic plan to be developed within the first six months of the Council's term with the Secretariat. These performance measures will be consistent with the Minister's letter of expectations and priorities to the Council and any other Ministerial direction provided to the Council.

Review process for terms of reference

The Minister may at any time request that these terms of reference be amended. Upon making such a request, the Council will promptly adopt the amended terms of reference as soon as practicable.

These terms of reference will be reviewed by the Secretariat regularly for continued relevance, or as required by the Minister or Secretary of the department.