



Arts and Culture Advisory Committee Terms of Reference (ToR)

1. Objectives and Purpose

- 1.1 The Baw Baw Shire Council (the Council) Advisory Committee (the Committee) is a formally appointed Advisory Committee of the Council.
- 1.2 The Committee's role is to report to the Council and provide appropriate advice and recommendations on matters relevant to this Terms of Reference in order to facilitate decision making by the Council in relation to the discharge of its responsibilities.
- 1.3 The Committee does not have any executive powers nor does it have any delegated financial responsibility.
- 1.4 The Committee does not have the authority to delegate tasks to subcommittees.
- 1.5 The Committee is to assist the Council by offering specialised advice and assistance with research on issues of interest to Council and the Community.

2. Duties and Responsibilities

The Committee will carry out the following duties and responsibilities:

The Committee will work in collaboration with Council's Cultural Development Officer and Manager Arts, Culture and Events, to provide advice and recommendations to Council in relation to the current Council Plan and especially on matters pertaining to the arts, culture and community events, including actions required to ensure the implementation of the Council's Arts and Cultural Policies and strategic plan.

- 2.1 Council Officer Referrals
 - 2.1.1 Provide appropriate advice and recommendations to Officers when requested, more specifically to:
 - 2.1.2 Provide a means for residents to be actively involved in their communities and community life, and feel more connected,
 - 2.1.3 Ensure the community is actively involved in local planning, decisions and actions and the community's needs in Council's future development of appropriate arts and cultural policy and service delivery are represented.
 - 2.1.4 Advise Council in their goal of facilitating a rich arts and cultural community to provide opportunities for recreational pursuits which enhance community health

and wellbeing.

- 2.1.5 Encourage access to these opportunities for the broad community, promoting Baw Baw Shire's reputation as a vibrant centre for arts and cultural activity.

2.2 Reporting Responsibilities

- 2.2.1 Report at least annually to the Council about committee activities, issues, and related recommendations through the circulation of minutes and committee chair reporting at Council Meetings.
- 2.2.2 A review will take place at least once every four years at which time the Terms of Reference will also be reviewed.
- 2.2.3 A review will be conducted on a self-assessment basis (unless otherwise determined by Council) with appropriate input sought from the Council, the CEO, all Committee members, management and any other relevant stakeholders, as determined by Council.

2.3 Other Responsibilities

- 2.3.1 Perform other activities related to this Terms of Reference as requested by Council resolution.

3. Membership

3.1. The Committee will be a minimum of five members, consisting of:

- 3.1.1. A minimum of two Councillors, with a maximum of three, appointed by the Council
- 3.1.2. A minimum of three external independent members, and a maximum of eight, with a view to maximising diversity and inclusion.
- 3.1.3. A minimum of one representative from the following organisations:

3.2. Council Officers will support the Committee and will consist of representatives from the following internal Council Departments: The Committee will be supported by the Cultural Development Officer and Manager Arts, Culture and Events.

3.3. All members except Council Officers shall have full voting rights, with the Chairperson having a casting vote as required.

3.4. Appointments and Tenure

- 3.4.1. The Council will appoint the external independent Committee members at the beginning of each Council term.
- 3.4.2. The CEO, in consultation with the Mayor, can appoint external independent Committee members to fill any vacancy that occurs within the Council term and cannot reasonably be left vacant until the beginning of the next Council term.

- 3.4.3. The Committee will nominate the Committee Chair on an annual basis.
 - 3.4.4. The Chair of the Committee must be a Councillor Representative.
 - 3.4.5. Tenure of the external independent members shall be a maximum of four years.
 - 3.4.6. Appointment of external members shall be made by the Council by way of a public advertisement, and Council Resolution, and be to the end of that current Council Term.
 - 3.4.7. Appointment to the Committee may be decided by factors such as suitability, experience, expertise, and with a view to ensuring a diverse and well balanced Committee.
 - 3.4.8. People wishing to serve as an external independent member may nominate for successive terms without restriction.
- 3.5. Disqualification of a Member
- 3.5.1. If the Council proposes to remove a member from the Committee, it must give written notice to the member of its intention to do so and provide that member with the opportunity to be heard if that member so requests.
 - 3.5.2. If a member misses two consecutive committee meetings without an accepted approval of absence they will have disqualified themselves from membership.
- 3.6. Members are expected to:-
- 3.6.1. Contribute the time needed to study and understand the papers provided;
 - 3.6.2. Apply good analytical skills, objectivity and judgement; and
 - 3.6.3. Express opinions frankly, ask questions that go to the fundamental core of the issue and pursue independent lines of enquiry.

4. Meetings

- 4.1. Conduct of Meetings
 - 4.1.1. The Chief Executive Officer will provide the support required to enable the meetings of the Committee and invite members of staff or others to attend meetings to provide pertinent information as necessary.
- 4.2. Attendance and Quorum
 - 4.2.1. All Committee members are expected to attend each meeting.

- 4.2.2. Quorum will be a majority of Committee members with a least two external independent members and at least one Councillor.
- 4.2.3. In the absence of the Chairperson from a meeting, the meeting shall appoint an acting Chairperson from the independent or Councillor Representatives present.

4.3. Meeting Administration

- 4.3.1. The Committee will meet once a quarter, with authority from the CEO (which will not be unreasonably withheld) to convene additional meetings, as circumstances require.
- 4.3.2. To facilitate the operation of the Committee, the Chief Executive Officer has responsibility to provide secretariat services and officer advice in respect of matters before the Committee.
- 4.3.3. Meeting agendas will be prepared and provided at least one week in advance to members, along with appropriate briefing materials electronically.
- 4.3.4. Minutes will be prepared and distributed within one week of the relevant meeting.

5. Conflicts of Interest

- 5.1. In accordance with Sections 126 to 130 of the Local Government Act 2020, members of the Committee are required to disclose all conflicts of interests and may not be eligible to vote on a matter or attend a meeting at which the subject of the conflict will be considered, depending on the nature of the conflict.
- 5.2. Members of the Committee are to comply with the provisions of the Local Government Act 2020, and any supporting Regulations, concerning conflicts of interest.
- 5.3. Failure to comply with provisions of the Local Government Act 1989 with regard to conflicts of interest may result in termination of the Member's appointment.

6. Confidentiality

- 6.1. All Members are subject to Section 125 of the Local Government Act 2020 in terms of information that the person knows, or should reasonably know, is confidential information as defined by the Act.

6.2. Failure to comply with provisions of the Local Government Act 2020 with regard to confidentiality may result in termination of the Member's appointment.

6.3. The Terms of Reference and Reports from the Committee to Council where appropriate, will be available on the Council's website.

6.4. All independent members of the Committee shall sign a confidentiality agreement as shown below:

THIS AGREEMENT is made on the _____ day of _____ 20 __

BETWEEN

AND

I herewith agree that I must not whether during or after my membership of the Baw Baw Shire Council Arts and Culture Advisory Committee, unless expressly authorised by the Chief Executive Officer or in accordance with the law, make any disclosure or use of:-

1. Any information or trade secrets of the Council;
2. The position of the Council or of any Councillor or Council Officer on any confidential matter; or
3. Any other information whatsoever, the disclosure of which may be detrimental to the interest of Council or of any other person who has provided it to the Council on a confidential basis, unless I am required to disclose the information by law. I must use my best endeavours to prevent the improper publication or disclosure or use of any such information by anyone else.

The termination or expiry of my membership of the Committee, for whatever reason, does not affect or derogate from my obligations of confidentiality set out above.

Signed by:

Date:

ADVISORY COMMITTEE MEMBER

Signed by:

Date:

(On behalf of Baw Baw Shire Council) CHIEF EXECUTIVE OFFICER

Approval Date	10 February 2021
Approval authority	Council
Effective from	11 February 2021
Review term	Council term
Next review date	August 2024
Responsible position	Manager Arts, Culture and Events
Responsible Director	Planning and Development
Version	1