



Banyule

CITY COUNCIL

Banyule City Council Arts and Culture Advisory Committee

TERMS OF REFERENCE

These terms of reference were last reviewed and updated on 11 May 2021.

Banyule Arts and Culture Advisory Committee (BACAC)

1. INTRODUCTION

Banyule City Council values and is proud of its diversity. Banyule is a diverse community, made up of people from different cultures, beliefs, abilities, bodies, ages, sexualities, genders and identities. Council is committed to inclusion, access and equity for everyone. These principles foster cohesiveness, empower people and improve the wellbeing of the Banyule Community.

We uphold the right all people to have the opportunity to engage on the future of the Banyule community and collaborate to address issues that impact individuals, groups and the whole community. Engaging and empowering people to have a say on matters that affect them builds social cohesion and advisory committees play an important role.

Within Banyule there are a range of specific groups, with unique knowledge and lived experiences, who can provide specialised advice on specific subjects.

Banyule City Council formed Advisory Committees to ensure advice from these specific groups, consisting of a diverse range of perspectives from a cross section of the Banyule community, is reflected in decision-making and to support Council to achieve an uplift in community health, wellbeing, sustainability and prosperity.

Background to the Banyule Arts and Culture Advisory Committee

The Banyule Arts & Cultural Advisory Committee (BACAC) was first established in 2009 and has assisted Council in the development of various policies and strategies including the Public Art Policy, Gallery Feasibility Study, Arts Plan 2013 – 2017, Arts and Culture Strategic Plan 2017 – 2021 and the Ivanhoe Library & Cultural Hub Programming & Activation Framework. The Committee has also participated in forums, workshops and sub-groups to aid the development of specific projects.

2. AIMS AND OBJECTIVES

2.1 Aim

To provide a formal mechanism for Council to consult with key stakeholders, seek specialist advice and enable community participation in the strategic development of arts, culture and heritage planning, policy and development.

2.2 Key Objectives

The priority of the committee is to assist with the development, implementation and review of current and future Arts and Culture Strategic Plans. Key objectives are:

- Assist Council to work strategically to encourage, foster, value and promote arts, culture and heritage in Banyule
- Assist in identifying and responding to key issues relating to arts, culture and heritage in Banyule
- Provide a consultative mechanism for Council on arts, culture and heritage programs and activities including Council's major events and festivals
- Advise and make recommendations for Council consideration relating to use and management of arts and cultural facilities and infrastructure
- Advise and make recommendations for Council consideration regarding the management and conservation of Councils Art Collection.
- Be an advocate for arts and cultural development in the community.

3. GOOD GOVERNANCE

3.1 Community Engagement

Banyule City Council will uphold the community engagement principles specified in section 56 of the Local Government Act 2020.

3.2 Committee member obligations

In performing the role of Advisory Committee member, a person must:

- act with integrity
- impartially exercise their responsibilities in the interests of the local community; and
- not improperly seek to confer an advantage or disadvantage
- avoid conflicts between their Advisory Committee role and their personal and/ or professional interests and obligations.

These obligations relate to:

- misuse of position as a member of the Committee (Section 123)
- confidential information (Section 125) and
- conflict of interest (Sections 126 to 131).

See Appendix A for further information

3.3 Conflict of Interest

Conflict of interest is essentially about transparency. A failure to provide the right level of transparency or to take appropriate action may be perceived as an indicator of impropriety.

Where a member has a conflict of interest, they must advise the Chair in advance of the meeting and no later than the beginning of the meeting. The member must leave the leave during discussion.

3.4 Confidentiality

Member email addresses provided to the Executive Support Officer will be shared with other members of this committee for the purpose of organising meetings and distributing shared information. Names of Committee members will be published in minutes and agendas, which will be made available on Council's website.

Under any other circumstances, permission will be sought from individual members before personal information is shared with any other Council staff or third party.

3.5 Code of Conduct

All members will:

- Act honestly and treat others with respect.
- Exercise due diligence and reasonable care.
- Not make improper use of their position or make improper use of information acquired because of their position.
- Support colleagues to raise issues or problems and have them dealt with in an honest and respectful manner.
- Have equal opportunity to participate in the committee discussions.
- Provide constructive feedback or complaints to the Advisory Committee via the Executive Support Officer prior to raising it at a committee meeting.

3.6 Extent of Authority

Committee members have an advisory role. Committee members do have not authority to:

- Expend money on behalf of Council.
- Speak on behalf of Council.
- Speak on behalf of the Advisory Committee.
- Commit Council to any arrangement.
- Consider any matters outside its area of reference.
- Direct Council officers in the performance of their duties.
- Make decisions behalf of Council.

The Committee has the authority to make recommendations to Council as outline in section 6.3.

3.7 Volunteers

Committee members, other than Councillors and staff, are volunteers. Following appointment by resolution by Council (or via delegation by the Director), Committee members must sign a declaration that they will abide by the Terms of Reference.

3.8 Child Safety

Committee members must comply with the Council's Child Safe Policy and uphold the commitment to the safety and wellbeing of children and the prevention of child abuse. As a volunteer, committee members fall under the Reportable Conduct Legislation.

4. MEMBERSHIP

The Arts and Culture Advisory Committee will consist of 17 members:

- Up to 15 community and/or organisational members
- Two Councillors and one substitute Councillor

As far as practicable, the membership of the Committee will reflect:

- A diverse range of interests and experience, to provide a balance of perspectives.
- The demographics of the municipality.
- The geographic diversity of Banyule.

4.1 Councillor Membership:

Council will appoint two Councillors and two substitute Councillors for a one-year period.

Role of Councillor

- Act as the Chairperson of the committee (where appropriate).
- Acknowledge and value the diverse views of members.
- Listen to and represent the views of the committee by acting as the bridging link between the Council and the committee.
- Act as an advocate on behalf of the Committee on recommendations presented at Council.
- Give one week's notice to the Executive Support Officer if they are unable to attend, and request that the substitute Councillor to attend in their absence.
- Assist members to abide by the Code of Conduct and act if there are breaches by issuing: a verbal warning, followed by a written warning and then expulsion if behaviour/breach is not addressed satisfactorily.

Role of Chair

- Approve the agenda and the minutes.
- Guide the meeting according to the agenda and time available and facilitating fruitful discussions.
- Acknowledge and value the diverse views of members.
- Give one week's notice to the Executive Support Officer if they are unable to attend.
- Assist members to abide by the Code of Conduct and act if there are breaches by issuing: a verbal warning, followed by a written warning and then expulsion if behaviour/breach is not addressed satisfactorily.

4.2 Community and Organisational membership

Community and organisational members are voluntary and may hold a position on the committee for a term of two years. Council will seek representation from community and organisational members via the Recruitment process specified in section 6. The committee will consist of:

- Representatives from arts and cultural organisations within and outside of Banyule
- Practicing artists
- Creative Industries professionals or those with specialised skills relevant to Banyule's arts & cultural development.

Once appointed, community and organisational members will:

- Attend a minimum of 60% of all meetings.
- A member who is absent from two consecutive meetings without forwarding an apology, will be considered as having resigned from the committee.
- Sit for a maximum of 2 consecutive terms (4 years in total).
- Members can resign from the committee at any time, by notifying the Executive Support Officer.
- Prepare for, attend and actively participate in meetings. This includes:
 - Taking an active role in communicating the views of residents and organisations to Council.
 - Keeping the Committee informed of current and emerging developments, issues, opportunities and activities within the arts and cultural sector relevant to Council.
 - Respond to requests for input into and/or feedback on Council activities, policies and reports.
- Respond to communication from Council between meetings in a timely manner.
- Share relevant information with your networks as requested.
- Support Council events and initiatives, where possible.
- Volunteer for working groups, as appropriate.
- Assist Council with the evaluation and review of the Advisory Committee.

4.3 Council staff

A specific Council Officer will be assigned as the Executive Support Officer.

Once assigned, the Council Officer will:

- Act as the key contact for all members.
- Prepare agendas, keep minutes of the meetings, follow up on actions identified in meetings.
- Provide access to objective, relevant and timely information to inform the participation of members between meetings.
- Support individuals to access reasonable support to enable meaningful and informed engagement.
- Ensure Recommendations made by the committee are presented to Council.
- If unavailable, the Council officer will arrange for a suitable substitute to perform the duties.

5. RECRUITMENT PROCESS

A fair and transparent process will be adopted to attract and select community and organisational members to the committee.

5.1 Advertising

Leading up to the expiration of the term of the current Committee, an Expression of Interest that invites applications from community members for the following term will be advertised through Council publications, social media, local media, and circulated through Committee network. The Expressions of Interest will be advertised for a minimum of 14 days.

Key organisations may be recruited directly by Council Officers.

5.2 Selection Criteria

Advisory Committee members will be able to demonstrate:

Essential criteria

- Live, work or study, or have a relevant connection with Banyule
- Professional experience working in the contemporary arts, creative or cultural services fields
- Understanding of or involvement in the activities, interests and concerns of arts and cultural organisations, groups and individuals within the municipality

Desirable criteria

- Practising artist or industry professional
- Experience working with community groups, arts organisations or government
- Experience as an arts advocate, leader and influencer on arts and culture issues
- Experience in strategic planning and/or sponsorship and funding and/or policy development.

5.3 Selection process

An assessment panel of a (business unit) Manager and two Council officers will assess the applications against the selection criteria and the diversity principles specified in Section 4. Where appropriate, applications may be contacted for further information to aid decision making.

The assessment panel will make a recommendation regarding the filling of vacancies to Council via a report. Council (or the Director via delegation) will make the determination. All candidates will be notified of the outcome of their application in writing by Council.

Employees of Banyule City Council and contractors are ineligible to hold a position on the Committee if a conflict of interest exists.

Should positions become vacant during the term of the Committee, previous nominations may be considered to fill the vacancy. An Expression of Interest Process will be undertaken if there are no previous nominations that meet the criteria. Alternatively, representatives from specific cohorts can be sought out to join the Advisory Committee to ensure adequate representation as per Section 4. The Director has the delegation from Council to approve appointments to the Committee fill vacancies that arise part way through the term of the Advisory Committee.

5.4 Induction and orientation

An induction and orientation process will occur for all members at the beginning of the term of the Committee. This process will include:

- Briefing members on the expectations and requirements of membership of the Committee.
- Providing members with an overview of the structures and decision-making processes of key stakeholders, including Council.
- Introduction to any policies, plans or strategies
- Overview of key issues identified
- Establishing clear objectives and priorities for the two-year term of the Committee.
- Where appropriate, additional training relevant to the role may be offered to committee members.

An abridged induction and orientation will also be provided to new members who join the Committee mid-way during the Committee's term.

5.5 Co-opted members

The Committee may invite suitably skills persons to join the Committee as a co-opted member for a specified purpose and period. A co-opted member joins the Committee in an advisory capacity and does not form part of the quorum.

6. MEETINGS

6.1 Frequency and duration

The Arts and Culture Advisory Committee will meet at least quarterly for a duration of up to two hours. Meetings may be held face-to-face, online or a combination of both. A call to the membership for agenda items will be issued two weeks prior and confirmed agendas will be distributed at least one week prior to the meeting. Minutes will be distributed to members for confirmation within two weeks of the meeting.

6.2 Quorum

A meeting will become an official Advisory Committee meeting once a quorum attends the meeting. The quorum for the committee is one Councillor plus seven community and organisational members. Neither Councillors, nor Council staff, including the Executive Support Officer, have a vote under the quorum.

6.3 Making Recommendations

- A committee may decide to bring an action item to the attention of Council, for their consideration and possible adoption.
- The wording of the Recommendation will be developed with the assistance of the committee and the Executive Support Officer, voted on by the members (in a meeting with a quorum) and noted in the meeting minutes.
- Council staff and the Councillor will ensure the Recommendation is presented to Council in a timely manner.
- Council will decide if they adopt the Recommendation or not.
- Council's decision and rationale for the decision will be communicated back to the Committee at the following meeting after the Council decision is made, by the Chair.

6.4 Support to participate in meetings:

Participants are entitled to reasonable support to enable meaningful and informed engagement. To allow for diverse participation, and considering the various circumstances of members, Council can support participation of members through provision of assistance, including but not limited to:

- Hearing loops
- Translators
- Provision of refreshments at face-to-face meetings
- Transport vouchers

- Child care reimbursement.

Individuals seeking support to participate are asked to contact the Executive Support Officer as soon as possible and prior to the meeting to discuss individual needs.

6.5 Working Groups

Working groups will be established as required to provide an opportunity for members to work collaboratively on specific issues, opportunities or projects. Membership of the working groups will be open to all members and non-members. A committee working group member will be nominated to provide feedback at the committee meetings. BACAC working groups include but not limited to:

- Ivanhoe Library and Cultural Hub Working Group – activation and management of the Arts & Cultural elements of the facility.
- Art Collection Working Group- public art commissions, art collection acquisitions and management.
- Festivals Working Groups – specialist advice on the development & delivery of major festivals & events.
- Pinpoint Working Group – artist networking and professional development.
- Policy & Strategy Working Group – development, implementation, evaluation of Arts & Culture Strategic Plan and relevant supporting policies.

7. MONITORING AND REPORTING

Record of Meetings to be tabled at Council Meetings

This committee is considered an informal meeting involving Councillors and in accordance with the Banyule Governance Rules the details of the meetings including topics discussed, attendees and any conflicts of interest declared will be recorded and tabled at the next convenient Council meeting; and recorded in the minutes of that Council meeting.

The minutes of meetings will be circulated to members via email for confirmation, and then placed on Council's website for viewing.

Recommendations and requests arising from meetings will be presented to Council for consideration. Responses to recommendations will be determined based on Council's legislative role, stated commitments in Council's Policies and Plans and budgetary processes.

Appendix A

Local Government Act (LGA) 2020 Regulatory Obligations

Guidance to Committee Members

LGA Section	Local Government Act Requirement
Misuse of Position	
123(1)	<p>A member must not intentionally misuse their position to:</p> <ul style="list-style-type: none"> a. Gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or b. Cause, or attempt to cause, detriment to the Council or another person
123(3)	<p>Circumstances involving misuse of a position by a member of the committee include:</p> <ul style="list-style-type: none"> a. Making improper use of information acquired as a result of being a member of the Committee; or b. Disclosing information that is confidential information; or c. Directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff; or d. Exercising or performing, or purporting to exercise or perform, a power, duty or function that the person is not authorised to exercise or perform; or e. Using public funds or resources in a manner that is improper or unauthorised; or f. Participating in a decision on a matter in which the member has a conflict of interest.
Confidential Information	
125	<p>A member of the committee must not intentionally or recklessly disclose information that the member knows, or should reasonably know, is confidential information. There are some exemptions to this requirement, the key one being that if the information disclosed by the member has been determined by Council to be publicly available.</p>
Conflicts of Interest	
126	<p>A member of the Committee has a conflict of interest if the member has:</p> <ul style="list-style-type: none"> a. A general conflict of interest as described in Section 127; or b. A material conflict of interest as described in Section 128.
127	<p>A member of the committee has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the members private interests could result in that member acting in a manner that is contrary to their public duty as a member of the Committee.</p>
128	<p>A member of the committee has a material conflict of interest in a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.</p>