



**BYRON
SHIRE
COUNCIL**

Arts Advisory Committee

Terms of Reference

2024

Information about this document

Date Adopted by Council	24 October 2024
Resolution No	24-482
Responsibility	Director Corporate and Community Services
Review Timeframe	4 years
Last Review Date	September 2024
Next Scheduled Review Date	September 2028

Document History

Doc No.	Date Amended	Details/Comments eg Resolution No.
E2016/82177	29 September 2016	Previously Public Art Advisory Panel - Constitution as adopted by Council 29/9/16
E2017/14185	28 February 2017	Previously Public Art Advisory Panel - As per resolution 17-048 change in membership
E2021/150507	3 February 2022	Replace Public Art Advisory Panel with Arts and Creative Industries Advisory Committee - As per resolution 22-026
E2024/114837	24 October 2024	Replace Arts and Creative Industries Advisory Committee with Arts Advisory Committee – As per resolution 24-482

Further Document Information and Relationships

Related Legislation	Section 355, Local Government Act (1993)
Related Policies	Code of Conduct 2016 Work Health Safety Policy Code of Meeting Practice Guide to Operations – Advisory Committee and Panels (E2016/85075)
Related Standards, Procedures, Statements, documents	Arts and Culture Action Plan Busking Policy Business Visitor and Economy Strategy Development Control Plan

	Disability and Inclusion Action Plan Events Strategy Public Art Guidelines Public Art Policy Public Art Strategy
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Note: Any reference to Legislation will be updated in the Policy as required. See website <http://www.legislation.nsw.gov.au/> for current Acts, Regulations and Environmental Planning Instruments.

CONTENTS

1. Preamble	1
2. Purpose	1
3. Timeframe for Committee	1
4. Responsible Directorate	1
5. Membership	1
6. Induction	2
7. Quorum	2
8. Confidentiality	2
9. Election of Chairperson	3
10. Voting	3
11. Majority decision	3
12. Convening meetings	3
13. Agenda preparation	3
14. Conduct of Business.....	4
15. Records of meeting	4
16. Absence from Committee Meetings	4
17. Committee Working Groups	4
18. Section 377 Delegation	5
19. Meeting Protocol and Procedure	5
20. Miscellaneous	5

1. Preamble

The Arts Advisory Committee is an advisory Committee of the Council and does not have executive power or authority to implement actions.

The role of the Committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its Terms of Reference.

2. Purpose

The purpose of the Arts Advisory Committee is to:

- Provide advice and recommendations on public art including, policy, commissioning, projects, donations and Development Control Plan (DCP) initiated public art and acquisitions.
- Contribute to Council's strategic directions and provide recommendations into arts and cultural policy and strategy in relation to the four delivery areas of the Arts and Culture Action Plan:
 - I. Arts and Cultural Infrastructure
 - II. Public Art and Creative Activation of the Public Domain
 - III. Enabling Arts and Cultural Activity
 - IV. Supporting Festivals Events and Screen Industry Activity
- Provide expert advice and guidance to Council on matters relating to arts, cultural, and creative industries development.
- Provide feedback on relevant planning documents and support Council to meet the expectations of the Byron Shire Community.

3. Timeframe for Committee

The term of the Arts Advisory Committee is for the term of Council 2024 – 2028

4. Responsible Directorate

This Committee is administered by the Community and Corporate Services Directorate. The Director or their delegate will attend these meetings and minutes will be taken by a member of their staff.

5. Membership

Council must appoint all Advisory Committee members. Appointment must take place prior to a member being conferred the responsibilities and rights as set out in this document.

Council may release individual members from the advisory Committee at any time by a resolution of council. Council may also appoint any new members to an Advisory Committee at any time by a resolution of council.

Membership is to include:

- 3 Councillors
- 5 relevantly qualified arts and creative industry representatives
- General Manager

The General Manager (or staff delegate) will attend meetings but do not have any voting entitlements.

Attendance at meetings by other persons

Attendance at the meeting by members of the public is generally limited. However, Advisory Committee members may formally request the attendance of a member of the public due to their expertise on a specific item on the agenda.

Non-member Councillors may attend as observers at Advisory Committee meetings.

6. Induction

All members will be required to participate in an induction process upon joining an Advisory Committee. The induction will be scheduled prior to their participation in their first meeting, and will cover topics such as:

- Terms of Reference
- The *Code of Meeting Practice*
- Conflicts of interest
- The *Code of Conduct for Council Committee Members, Delegates of Council and Council Advisers*

7. Quorum

A quorum is to constitute at least half the number of members plus one, two of which are to be Councillors. The General Manager or delegate, who must be a member of staff, is to attend the Advisory Committee meeting and is not counted in the quorum for the meeting.

8. Confidentiality

Members of the Committee must maintain the integrity and security of confidential information in their possession, or for which they are responsible.

In addition to their general obligation relating to the use of Council information, members of the Committee must:

- a) only access confidential information that they have been authorised to access and only do so for the purposes of exercising their official functions
- b) protect confidential information
- c) only release confidential information if they have authority to do so
- d) only use confidential information for the purpose for which it is intended to be used
- e) not use confidential information gained through their official position for the purpose of securing a private benefit for themselves or for any other person
- f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
- g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

When dealing with personal information, members of the Committee must comply with:

- a) the *Privacy and Personal Information Protection Act 1998*
- b) the *Health Records and Information Privacy Act 2002*
- c) the Information Protection Principles and Health Privacy Principles
- d) Council's privacy management plan
- e) the Privacy Code of Practice for Local Government

9. Election of Chairperson

The Committee will be chaired by the Mayor, or, where the Mayor elects not to assume the position of Chairperson, by a Councillor elected by the Committee.

10. Voting

- a) Each member of the Committee (with the exception of staff members) is to have one vote, with the Chairperson to have a casting vote in addition to a deliberative vote.
- b) Members of the Committee who are not Councillors may abstain from voting in any circumstances without such abstention being recorded in the negative.

11. Majority decision

A majority decision of the Committee requires a majority of members to be present and voting on any item subject to the requirements of a quorum being met at the meeting.

12. Convening meetings

Meetings will be held according to an annual timetable of meetings, which will be prepared in advance and adopted by Council for the following 12 months.

A meeting of the Committee may be convened in response to either the direction of the Mayor (or in the Mayor's absence, the Deputy Mayor) in written form to the General Manager; or two Councillors in written form to the General Manager, or by resolution of the Council.

13. Agenda preparation

The agenda is an organised list of the business, in order, that will be discussed at the meeting. An agenda for each meeting, containing a brief report on each item, is to be provided to Committee members and available on Council's website at least 7 days prior to the meeting being held.

Each item of business to discuss at the meeting is required to be listed on the agenda and in written form. Verbal reports at the meeting are not an acceptable practice.

For some matters, it will be necessary to attach other relevant information to the agenda to inform and direct discussion. Such information is to be circulated with the agenda.

It is the responsibility of the relevant Director to prepare the agenda in consultation with the chairperson, setting out the terms of business to be considered.

Committee members may request items for inclusion in future agendas, by giving notice to the Director 14 days prior to the meeting.

Where required, a list of items requested by Committee members for consideration at future meetings will be provided to the next available committee meeting for the committee to collectively determine which items are to be included on upcoming Agendas.

14. Conduct of Business

Meetings are to be conducted in accordance with this Terms of Reference and, where required, reference to Council's *Code of Meeting Practice 2022*.

Each item of business is discussed in the order in which it appears on the agenda. No new matters will be introduced at the meeting. New items of business may be included in a future agenda as noted in clause 13 above.

15. Records of meeting

- a) The minutes of meetings are to be circulated to members of the group within 7 days of the meeting so that members can confirm the accuracy of the draft unconfirmed minutes.
- b) Minutes of Committee meetings will be kept and presented to Council at its next meeting via a report of the Committee meeting.

16. Absence from Committee Meetings

All Committee members are required to advise the chair when they are unable to attend Committee meetings. The absence of Committee members from the meeting is to be recorded in the minutes. A Committee member (other than the Mayor) ceases to be a member of a Committee if the member:

- a) has been absent from three consecutive meetings of the Committee without having given reasons acceptable to the Committee for the member's absence, or
- b) has been absent from at least half of the meetings of the Committee held during the immediately preceding year without having given to the Committee acceptable reasons for the member's absences.

17. Committee Working Groups

Committee Working Groups may be established as sub-groups to consider special interest items. Committee working groups are to be established by Council at the recommendation of the Committee to address issues clearly identified by the Committee.

The Committee Working Group will meet as required to consider the specific matter/s.

Staff involvement in working groups is not required however could be provided at the discretion of the Director. Council will provide a suitable meeting space for the working group.

The Committee Working Group may prepare reports and recommendations to the committee for its consideration.

18. Section 377 Delegation

The Committee does not have any delegated functions pursuant to section 377 of the Local Government Act (1993) and does not have the power to direct staff.

19. Meeting Protocol and Procedure

Advisory Committee meetings will operate in accordance with the relevant sections of the *Code of Meeting Practice*. Subject to these Terms of Reference, the Advisory Committee may regulate its meeting procedures in a manner consistent with good order and effective conduct. The ruling of the Chairperson shall be final in respect of all procedural matters.

20. Miscellaneous

- a) Insurance: All group members are covered by the public liability policy of Council. This insurance does not preclude the Advisory Committee from due diligence and all Council policies must be adhered to.
- b) Code of Conduct: All Advisory Committee and Committee Working Group members are to abide by Council's adopted *Code of Conduct for Council Committee Members, Delegates of Council and Council Advisers 2023* at all times.
- c) Pecuniary Interest: Pecuniary Interest may be defined as an interest that a person has in a matter, as a group member or employee of a company or other body, because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person, or another person with whom the person is associated. Such other person includes the spouse or de-facto partner or relative of the group member.

Section 446 of the Local Government Act states that "a member of a council Committee, other than a Committee that is wholly advisory, must disclose pecuniary interests..."

Even though the Local Government Act provides an exemption to disclose pecuniary interests Council's preference is for all members to declare pecuniary interests where applicable.

- d) Work Health Safety: All group members are required to comply with the "Worker Responsibilities" as prescribed in the Work Health Safety Policy.