



Frankston Arts Advisory Committee

Terms of Reference

A5419917

1. Purpose

The Arts Advisory Committee (Committee) has been established to embody Council's vision in all aspects of arts, culture and events throughout the municipality.

The key role of the Committee is to provide independent advice and promote high-quality arts, events and cultural services; recognising the contribution of local independent practicing artists and the importance of the arts in creating healthy, vibrant and engaged communities.

2. Objectives

The objectives of the Committee are to:

1. Develop, review and provide advice to Council regarding the strategic direction for arts, culture and events;
2. Seek and establish appropriate external funding opportunities for programs via government, philanthropic and sponsorship sources;
3. Ensure a balanced provision of community service obligations and commercial imperatives;
4. Provide high level advice to guide arts and culture capital investment outcomes;
5. Support and develop local artists and creatives;
6. Promote arts experiences, performances, public art, major and destination events including guiding visitor attraction strategies that raise the profile of the City
7. Monitor community feedback and changing trends regarding arts, culture and events.

3. Membership

The Committee will consist of up to six (6) members (excluding Council Officers) comprising, where possible, of the following:

- A maximum of two (2) Councillors appointed as Councillor delegates to the Committee by resolution of Council (annually in November or December);
- A maximum of six (6) individuals representing the community ('community appointments'), who have experience and knowledge of the Arts in the Frankston municipality, and
- Three (3) Council Officers including the Chief Executive Office (or delegate), Manager Arts & Culture and an administration officer as administration support and as per item 3.5.3 of this Terms of Reference Document.

3.1. Period of Tenure

- Unless otherwise resolved by Council, Councillor appointments are for one (1) year.
- Community appointments are for a period of four (4) years;
- Committee members may not serve more than three (3) consecutive terms on the Committee, unless insufficient nominations are received;
- If insufficient nominations are received, Committee members whose term has expired will be eligible to nominate for a further term;
- If a resignation from the Committee occurs within the four (4) year term, the Committee will bring the matter to the attention of Council;
- Committee members shall not be able to serve more than three consecutive terms on the Committee, and
- Appointments to the Committee shall be determined by the Council and the Council may at any time remove a member of the Committee. Any such appointment shall be subject to the person signing a Council “Consent to Act” statement prior to taking their seat on the Committee.

3.2. Eligibility Criteria

Community representatives should be a resident of Frankston City and meet the following eligibility criteria:

1. Experience and expertise in one or more of the areas in performing arts, arts and cultural development, business, marketing, communications and promotions, fundraising, philanthropy, sponsorship, government relations and tourism;
2. Must hold a current Working with Children permit.

The make-up of the Voluntary members of the Committee will consist of a diversity of skills and knowledge from industries and the broader community; targeting gender balance, multi-generational, indigenous, arts, culture, marketing, digital, business, financial and legal representation.

The selection and appointment by Council of the Voluntary members to the Committee will be by:

- applications from public advertisement;
- response to key criteria; and
- interview process.

An existing Committee Member may be reappointed by agreement of the Council at the completion of their term, for no more than 3 consecutive terms, without the need to reapply, subject to satisfactory performance of that Committee Member.

Previous sitting Committee Members may reapply for the Committee after a period of twelve (12) months from date of last tenure if a vacancy is available.

Council reserves the right not to appoint a person in response to the advertisement process and to not reappoint a Committee Member at the completion of any term.

3.3. Selection Criteria

Nominees for membership of the Committee must be able to demonstrate:

- 3.3.1. Commit to the functions of the Committee;
- 3.3.2. Work within and contribute to a positive team environment;
- 3.3.3. Experience and expertise in one or more of the areas in performing arts, arts and cultural activities, business, marketing, communications and promotions, fundraising, philanthropy, sponsorship, government relations and tourism;
- 3.3.4. An ability to constructively participate in an advisory capacity;
- 3.3.5. A sound knowledge and understanding of local issues in relation to arts, culture and events;
- 3.3.6. A willingness to contribute positively to meetings in a fair and unbiased manner;
- 3.3.7. A capacity to commit to the Committee for the required duration, and
- 3.3.8. A willingness to commit time and contribute to Committee activities and tasks outside regular meetings.

Further to the above individual criteria, the ultimate selection of members will seek to maximise the diversity and representation of experience, genders and geographical areas within the municipality.

3.4. Selection and Appointment Process

- 3.4.1. Community appointments to the Committee will be selected from a broad range and cross section of arts, associations and interests, to ensure even and fair representation;
- 3.4.2. Community appointments will be made by:
 - i. calling for nominations through an advertisement on Council's website and social media channels;
 - ii. assessment of nominations against the Selection Criteria (Section 3.3 of this Terms of Reference Document).
- 3.4.3. Any reappointments will be made using the process set out in Section 3.4.2 of this Terms of Reference Document, and
- 3.4.4. The selection panel will consist of:
 - Chief Executive Officer, or delegate
 - Manager Arts and Culture
 - Current Chair

All nominations will be assessed against the selection criteria.

The Panel's recommendation about the membership of the Committee will be presented to Council for consideration.

3.5. Appointment of Chairperson

- 3.5.1. An independent delegate to the Committee will perform the role of the Chair at Committee meetings;
- 3.5.2. The Chair will be appointed by the Committee for a period of 12 months, after which time a new Chair will be appointed, and
- 3.5.3. If the Chair is absent, or if the Chair wishes to address the Committee with a presentation, the Committee will appoint an acting Chair.

3.6. Responsibilities

- 3.6.1. Chair:
 - The Chair will be responsible for the conduct of Committee meetings, ensuring fair and equitable opportunities for views and opinions to be shared and discussed in a respectful manner;
 - The Independent Chairperson shall be an external independent member appointed by Council. In the absence of the Chairperson from a meeting, the Committee will appoint an acting Chairperson, and
 - The Independent Chairperson will be responsible for the conduct of meetings, ensuring fair and equitable opportunities for views and opinions to be voiced and discussed by the Committee.
- 3.6.2. Council Officers

The Chief Executive Officer (or Delegate) and the Manager Arts and Culture will report to Council on:

 - the minutes of Committee Meetings.
- 3.6.3. Committee Members
 - Will offer strategic advice, support to meet priorities and provide recommendations to Council
- 3.6.4. Council Officer / Administration Officer

The council officer/support officer will:

 - Not have voting rights or decision rights as part of the Committee, and will not count towards achieving a quorum at a Committee meeting;
 - Provide the Terms of Reference document to all new Committee members;
 - Facilitate a review of the Terms of Reference document every 2 years;
 - Provide information on matters including, but not limited to: good governance, conflict of interest and confidentiality;
 - Assist in the recruitment of Committee members through managing the nomination process, and
 - Compile and distribute meeting agendas, minutes and action items.

3.7. Professional Conduct

- 3.7.1. Committee Members will adhere to Council's Code of Conduct at all times whilst sitting on the Committee, and
- 3.7.2. A copy of the Council's Code of Conduct is to be provided to all members of the Committee as part of their induction process.

4. Meetings

4.1. General

- 4.1.1. Meetings of this Committee are not open to the public.
- 4.1.2. A quorum will consist of at least 50% of the Committee members.
- 4.1.3. Committees have no delegated authority to make decisions on behalf of Council, therefore any vote is on a position or recommendation to be made to Council if appropriate.
- 4.1.4. The Committee shall aim to operate on a consensus model in forming a position or recommendation. In the event of a vote occurring and that vote being tied, the Chair shall, in addition to a deliberate vote, have a second or casting vote.
- 4.1.5. Special guests / subject matter experts may be invited to the meeting at the combined discretion of the Chair, including Co-chairs and Council Officers.
- 4.1.6. Conflicts of Interest must be declared and recorded at the commencement of the meeting. A member who has a conflict of interest must leave the meeting when the item is discussed.

4.2. Frequency

- 4.2.1. The Committee will meet a minimum of four times a year. A schedule of meetings will be developed and agreed by the Committee annually. All meetings will have an agenda;
- 4.2.2. Under special circumstances, a meeting may be cancelled or rescheduled;
- 4.2.3. Additional meetings may be convened at the discretion of the Chair or at the written request of any member of the Committee;
- 4.2.4. Meetings will be held either in person at a central Council venue or virtually, depending on circumstances and availability, and
- 4.2.5. It is expected that each member of the Committee will attend a minimum of 50% meetings per year.

4.3. Agenda and Minutes

- 4.3.1. Agenda will be circulated 7 days prior to the meeting and Minutes circulated 7 days after the meeting;

- 4.3.2. All consensus of position or recommendations will be recorded in the minutes of the meeting and presented to Council for endorsement at the next available Council Meeting;
- 4.3.3. The Manager Arts and Culture is to provide updates in a report to Council on a quarterly basis. Updates to include a summary of the key issues/topics discussed in each meeting; and
- 4.3.4. Minutes of the Committee meetings will be circulated to Councillors via the Councillor Portal.

5. Confidentiality

Members shall be at liberty to discuss with appropriate organisations or individuals the general issues and principles related to the business of the Committee prior to the meeting. Members are expected to exercise discretion to ensure that disclosure of information does not prejudice the deliberation of the Committee or Council;

Members are required to maintain confidential information in accordance with Section 3(1) of the Local Government Act 2020. Notes, records and other documents of the meeting remain the property of Council. Disclosures of confidential information by a Committee member will be treated as a breach of the Committee, in accordance with the process set out therein; and

Members must not make any public comment or statement that would lead anyone to believe that they are representing Council, or expressing its views or policies. This includes comments or statements made to the media.

6. Conflict of Interest

Where a member of the Committee has a general conflict of interest or material conflict of interest in relation to a matter before the Committee at which they:

- Are present, the member must disclose the conflict of interest by explaining the nature of the conflict of interest to those present at the meeting immediately before the matter is considered; or
- Intend to be present, must disclose that conflict of interest by providing written notice to the chair before the meeting commences:
 - a) Advising of the conflict;
 - b) Explaining the nature of the conflict of interest; and
 - c) Detailing, if the nature of the conflict of interest involves a member of the committee's relationship with a gift from another person;
 - i. Name of the other person
 - ii. Nature of the relationship with that other person or the date
 - iii. Receipt, value and type of gift received from the other person
 - iv. Nature of that other person's interest in the matter

- The disclosure must be recorded in the meeting minutes. All written disclosures must be provided in accordance with Council's Conflict of Interest Policy;
- The Member must leave the Committee meeting immediately after giving the explanation or making the announcement and not return to the meeting until after the matter has been disposed of; and
- General exemptions exist where a conflict of interest does not arise and this is referenced in the Conflict of Interest Policy. If it is established by the Chair that the person making a conflict of interest disclosure does not have a conflict or has an 'interest in common' then Chair may determine the person may remain in the meeting for that matter.

7. Definitions

CEO means the Chief Executive Officer at Frankston City Council;

Councillor means a person who holds the office as a member of a Council, as described in the Local Government Act 2020;

Council means Frankston City Council;

Quorum means a minimum number of Committee members required at a meeting for the Committee to be considered representative and to be able to undertake Committee business; and

Conflict of interest is a situation in which a person or organization has two or more competing interests. When a conflict of interest occurs, the person or team can't perform their duties appropriately because it could mean betraying their interests to one of the parties within the situation.

8. Review of the Terms of Reference

The Terms of Reference will be reviewed by the Committee and endorsed by Council every four years, within the first 12 months of a General Council Election, unless agreed by the Committee to do so at an earlier date.

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made by the Committee. Examples include a change to the name of a Council department and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.