

## COMMITTEE TERMS OF REFERENCE: Barunga West Art Committee

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### 1. Establishment and Appointment

The Barunga West Council (the Council) at a meeting held on 10 September 2019 established a collaboration with the Uniquely Barunga Art Group. Succession of this relationship now warrants the formation of the Barunga West Art Committee (the Committee) pursuant to Section 41 of the *Local Government Act 1999* (the Act).

This Committee may be wound up at any time by resolution of Council.

### 2. Objectives / Purpose of the Committee

Subject to compliance with all legislation, policies, plans and procedures of the Council, the function the Committee is to assist the Council to:

- support and encourage community participation and consultation in enhancement of the environment for arts and creative enterprises in Barunga West;
- develop public visual art that will reflect Barunga West's local identity, diversity, and values that will promote and preserve sites of significant cultural and natural heritage; and
- raise the profile of The Top of the Yorke with consideration to growing the profile of Gallery 1871.

The Barunga West Art Committee will report to Council and provide appropriate recommendations on matters relevant to its Terms of Reference to facilitate informed decision making and ensure Council is operating effectively and efficiently to deliver public value.

### 3. Delegated Powers / Authority

Pursuant to Section 44 of the *Local Government Act 1999*, the Committee does not enjoy the delegation of any powers, functions and duties of the Council. All decisions of the Committee will, therefore, constitute only recommendations to the Council.

The Mayor and the Barunga West Council CEO are the only people permitted to speak to the media on behalf of the Committee. Members of the Committee are not to speak to the media in their capacity as Committee Members.

#### **4. Membership**

Members of the Barunga West art Committee are appointed by Council in accordance with Section 41(3) of the Act and these Terms of Reference. The Committee shall consist of up to ten (10) members:

- Two (2) Elected Member representatives
- Up to Eight (8) Community representatives.

##### Appointment

Recruitment of Committee Members will be undertaken by Administration by submission of recommendation(s) for appointment being presented to Council for a decision.

Council will appoint community members that provide a range in age group, expertise and skills, including:

- background, experience or expertise in the visual arts, public art and/or curatorial, architecture, design, landscaping or other arts related discipline;
- an interest in and passion for the arts, public art and visual art in Barunga West;
- being a local resident of Barunga West Council or with close connections to the Barunga West area;
- experience in working with community groups; &/or
- a commitment to OH&S, risk management, environmental protection and ethical principles.

##### Term

Membership of the Committee is for the term of the Committee unless a member resigns or is otherwise incapable of continuing as a member or is removed from office by the Council (including electoral changes).

##### Induction & Training

New Members will be provided with appropriate induction training determined by the Chief Executive Officer or their delegate.

Training will be offered to all members on an ongoing basis where relevant to Barunga West Council business and as approved by the Chief Executive Officer.

##### Non-conformance

The Committee must report to the Council where a Member has failed (without the leave of the Committee) to attend three (3) consecutive meetings of the Committee.

If the Council proposes to remove a Member of the Committee for any given reason, it must give written notice to the Member of its intention to do so and provide that Member with the

opportunity to be heard at a Council meeting which is open to the public, if that Member so requests.

### 5. Allowances / Sitting Fees

A member of the Barunga West Art Committee holds office at the pleasure of the Council.

In accordance with Section 41(12) of the Act, no civil liability attaches to a member of a committee for an honest act or omission in the exercise, performance or discharge, or purported exercise, performance or discharge, of the member's or committee's powers, functions or duties.

### 6. Functions / Role of the Committee

To achieve the objectives of the Committee will:

- a) acknowledge and promote the talent and creativity (in all its forms) which exists within our community (and beyond);
- b) encourage participation in new activities and community art programs;
- c) ensure that public art and visual art processes and works are managed and maintained in a planned and professional manner;
- d) present visual arts and craft in an attractive public venue, promoting Barunga West council as a 'go to' destination; and
- e) foster the ongoing development of quality, diverse and creative public art and visual art, further enhancing public access and experience of the arts.

### 7. Committee Meetings

#### Frequency

The Committee shall meet at least four times per calendar year at an appropriate time and place determined by the Committee in accordance with the responsibilities imposed upon within these Terms of Reference, and otherwise on such dates and times as required by the Committee.

#### Resources

The Chief Executive Officer shall provide sufficient administrative resources to the Barunga West Art Committee to enable it to adequately carry out its functions.

The Chief Executive Officer, and other Barunga West Council employees may attend any meeting as observers or be responsible for preparing papers for the Port Broughton Tourism & Events Committee.

The agenda and minutes of committee meetings will be made available to the public, subject to any items discussed in confidence under Section 90 of the *Local Government Act 1999* (the Act) and subsequently retained in confidence under Section 91 of the Act.

In accordance with Section 91(3) of the Act, minutes of the Committee meetings shall be circulated within five ordinary days after a meeting to all members of the Committee and to all Council Members and will (as appropriate) be available to the public.

#### Notice & Access to Meetings

In accordance with the principles of open, transparent and informed decision making, committee meetings must be conducted in a place open to the public. All meetings (Unless conducted via electronic means) will be held in the Port Broughton Council Chambers at 11 Bay Street, Port Broughton.

Notice of the meetings of the Committee will be given in accordance with Sections 87 and 88 of the Act. Accordingly, notice will be given:

- a) to Members of the Committee by email or as otherwise agreed by the Committee as being an available means of giving notice, at least three (3) clear days before the date of the meeting; and
- b) made publicly available as soon as practicable after the time that notice of the meeting is given to Members by causing a copy of the notice and agenda to be displayed at the Port Broughton Council office and on the Council's website.

Members of the public are able to attend all meetings of the Committee, unless prohibited by resolution of the Committee under the confidentiality provisions of Section 90 of the Act.

#### Quorum

A quorum for a meeting of the Committee shall be at least one (1) Elected Member representative and four (4) Community representatives.

A Quorum must be present within 30 minutes of the scheduled start time for the meeting to proceed. A duly convened meeting of the Committee at which quorum is present shall be competent to exercise all or any of the authorities, powers and discretions vested in or exercisable by the Committee.

#### Presiding Member

The Council will appoint one (1) of the Members as the Presiding Member to oversee and facilitate the conduct of meeting in accordance with the *Local Government Act 1999 (SA)*, the *Local Government (procedures at Meeting) Regulations 2013* and these Terms of Reference.

If the Presiding Member of the Committee is absent from a meeting then either the second Elected Member Representative or CEO will act as a proxy to preside at the meeting until the Presiding Member is present.

The role of the Presiding Member includes:

- a. ensuring all Committee members have an opportunity to participate in discussions in an open and encouraging manner; and
- b. where a matter has been debated significantly and no new information is being discussed to call the meeting to order and ask for the debate to be finalised and the motion to be put.

### Meeting Conduct

The Committee shall act at all times in strict accordance with the *Local Government Act 1999* and any other relevant legislation. In particular, the Committee shall act in strict accordance with the *Local Government Act 1999* and Part 2 of the *Local Government (Procedures at Meetings) Regulations 2013*.

Only members of the Committee are entitled to vote in Committee meetings. Unless otherwise required by the Act not to vote, each member must vote on every matter that is before the Committee for decision.

All decisions of the Committee shall be made on the basis of a majority decision of the members present.

Every member of the Committee has a deliberative vote only. In the event of a tied vote the person presiding at the meeting does not have a second or casting vote and the matter will be considered lost.

The principal responsibilities of Committee is to:

- a) attend Committee meetings as required;
- b) contribute to achieving the objectives of the Committee;
- c) undertake agreed tasks as determined at Committee meetings which may include (but are not limited to):
  - identifying suitable sources of funding and investment strategies for public art development;
  - providing prominence for public art works that serve as important markers reflective of our heritage and cultural identity;
  - exploring possibilities, advocate and develop a framework that enables and encourages the private and commercial sector to contribute to development and investment in public and visual art in Barunga West;
  - sourcing funding for public art works for Council consideration;
  - assessing applications or proposals related to public art and visual art program and making recommendations to Council;
  - Identify issues, opportunities and initiatives for the Council to work actively with State and Federal Governments and with the private sector; and
  - any other duties that may reasonably be determined and agreed by Committee members.

At the discretion of the Chair, members of the public or subject experts may be invited to speak to or advise the committee on issues being considered by the committee.

Insofar as the Act, the Regulations or these Terms of Reference do not prescribe the procedure to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own procedure.

**8. Reporting**

Pursuant to Section 41(8) of the *Local Government Act 1999*, all decisions of the Committee will be referred to the Council as recommendations of the Committee. The reporting of the decisions of the Committee in this manner will satisfy the requirements of Section 41(8).

**9. Accountability**

The Committee will ensure that an assessment of its performance and charter is conducted at least once every two years, to ensure that it continues to be focused, effective, and provides a quality service to the Council.

Pursuant to Section 41(8) Council has established that the Barunga West Art Committee must provide an annual report to Council on the work of the Committee during the period to which the report relates.

**10. Member Conduct**

All members of the Committee, comply with the Volunteer Code of Conduct and Conflict of Interest provisions within the Act.

**11. Review History**

The committee shall at least once a year, review its own performance, constitution, and terms of reference to ensure it is operating at maximum effectiveness and recommend changes it considers necessary to the Council for approval.

Responsible Work Area	Chief Executive Officer
Responsible Officer	Manager Corporate Services
Date/s Adopted	V1: 10/09/2019 – Initial Adoption from Council V2: 14/09/2021 – Adopted by Council V3: 14/03/2023 - Review
Date of next review	March 2025
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