

NARRABRI SHIRE COUNCIL PUBLIC ART ADVISORY COMMITTEE TERMS OF REFERENCE

Objective

The objective of the Narrabri Shire Council Public Art Advisory Committee (the Committee) is to promote and facilitate quality and diverse Public Art initiatives in Narrabri Shire by providing guidelines to determine decisions relating to acquisition, management and deaccession of Public Art. All decisions must be aligned with the Narrabri Shire Public Art Policy.

Introduction

The Committee is an Advisory Committee required to make recommendations to Council. The Committee does not have the delegated authority to commit Council or management to the implementation of its recommendations.

The key responsibilities of the Committee are:

- Encourage art in public places in the Narrabri Shire LGA;
- Raise the profile, recognition, understanding and appreciation of public art and its development,
- Ensure that public art complements and enhances the natural and built environments of the Narrabri Shire LGA and reflects its unique character, history, values and aspirations.
- Guide and facilitate a coordinated and strategically planned approach to the development and management of public art in the Narrabri Shire LGA Ensure that public art in the Narrabri Shire LGA is sustainable in social, cultural, environmental and economic terms.
- Ensure that public art is given due consideration in Council's strategic directions, policies and planning controls.

1. Composition and Tenure

1.1. Members shall be appointed by a resolution of Council and demonstrate an enthusiastic approach to working collaboratively, and to achieving objectives on behalf of the whole community.

1.2. Membership Term:

- (a) Members shall be appointed for a maximum term of four (4) years, expiring 31 December in the year of an Ordinary Council Election, unless specified otherwise by the Council Resolution for the initial appointment.
- (b) Members may vacate their position on the Committee prior to the conclusion of the Membership Term, as per Clause 1.7.

1.3. Members (voting):

- (a) Two (2) Councillors as appointed by a Resolution of Council;
- (b) One (1) Council Officer being the Director Planning and Sustainability (or their delegate);
- (c) One (1) representative from Arts North West;
- (d) Four (4) individuals of the Arts Community, including at least 1 of Aboriginal or Torres Strait Island descent.

1.4. Ex-Officio members (non-voting)

- (a) The Mayor; and
- (b) The General Manager.

1.5. Chairperson

- (a) The Chairperson of the Committee is to be a Councillor of Narrabri Shire Council.
- (b) The Chairperson's role is to provide leadership and develop a cohesive team ensuring the objectives of the Committee are achieved whilst operating in compliance with statutory requirements and Council policy.

1.6. Invites may be extended to the following persons (non-voting) for specific agenda items:

- (a) Guests invited to speak on a particular agenda item; or
- (b) Other Council Officers may attend meetings of the Committee as required.

1.7. Vacancies:

- (a) A Member of the Committee may vacate their seat by written resignation submitted to the Chair.
- (b) A Member of the Committee automatically vacates their membership to the Committee if the Member is absent from three (3) consecutive Committee Meetings without a written apology submitted to the Chair.
- (c) Clause 1.7(b) does not extend to person's who hold the Membership position as Council Officers as defined by Clause 13(a).
- (d) If a vacancy arises, nominations shall be called for through an Expressions of Interest (EOI) and tabled at the next available Ordinary Council Meeting.

2. Committee Member Responsibilities

2.1. Members of the Committee are expected to:

- (a) Make reasonable efforts to attend meetings of the Committee;
- (b) Understand the relevant legislative and regulatory requirements appropriate to Council;
- (c) Contribute the time needed to study and understand the business papers provided;
- (d) Apply good analytical skills, objectivity, and judgment; and
- (e) Express honest opinions, ask questions that go to the fundamental core of issues, and pursue independent lines of enquiry.

3. Operating Procedures

3.1. Quorum:

- (a) A quorum of the Committee shall be constituted by the majority of the current membership of the Committee (half plus one (1)) being present at the meeting and must include at least one (1) Councillor and one (1) Council Officer.
- (b) Ex-officio members are not included for the purposes of calculating a quorum.

3.2. Meetings and Agendas:

- (a) The Committee will meet at least three (3) times per year, or at the discretion of the Chairperson or Council's General Manager (or their delegate).
- (b) A meeting schedule including meeting dates and times will be developed and distributed to Committee members annually.
- (c) No meeting of the Committee shall be held unless five (5) days' notice has been given to all members.
- (d) Where practicable, the agenda together with reports, documents and a list of invitees will be prepared and distributed to all members at least five (5) days prior to the meeting.
- (e) Except as otherwise provided for herein the rules governing meetings and the procedures of the Committee shall, so far as they apply, be those covered by Council (Council's Code of Meeting Practice).
- (f) No items will be dealt with without notice. Therefore, agendas will not include an item for general business.

3.3. Attendance:

- (a) A Member of the Committee cannot participate in a Committee Meeting unless either:
 - (i) personally present at the meeting; or

- (ii) permitted to attend the meeting by audio-visual link in accordance with Clause 3.3(b).
- (b) A Member of the Committee may attend and participate in a Committee Meeting by audio-visual link only with the approval of the Committee. However, the Committee is under no obligation to approve the request to attend a meeting by audio-visual link. If the Committee refuses a request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.
- (c) A decision to approve a request by a Member of the Committee to attend a Committee Meeting by audio-visual link must be noted in the minutes.
- (d) A request by a Member of the Committee for approval to attend a Committee Meeting by audio-visual link must be made in writing to the Chairperson prior to the meeting in question.
- (e) A meeting of the Committee may be held by audio-visual link where the Chairperson determines that the meeting should be held by audiovisual link because of a natural disaster or a public health emergency. The Chairperson may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of the Members at risk. The Chairperson must make a determination under this clause in consultation with Council's General Manager (or their delegate) and, as far as is practicable, with each Member.
- (f) Where the Chairperson determines under Clause 3.3(e) that a meeting is to be held by audio-visual link, a Council Officer must give written notice to all Members that the meeting is to be held by audio-visual link.
- (g) Where the Chairperson determines under Clause 3.3(e) that a meeting is to be held by audio-visual link, it is the individual Members' responsibility to take all reasonable steps to ensure they can participate in the meeting by audio-visual link.
- (h) This Terms of Reference applies to a meeting held by audio-visual link under Clause 3.3(e) in the same way it would if the meeting was held in person.

3.4. Recoding of Meetings

- (a) A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the Committee Meeting without the prior authorisation of the Committee.
- (b) A decision to approve a request to record a Committee Meeting, as described in Clause 3.4(a) must be noted in the minutes.
- (c) If the Committee has approved for a Committee Meeting to be recorded, Council will comply with all Privacy Principles as prescribed under the *Privacy and Personal Information Protection Act 1998* (NSW) and all requirements of the *State Records Act 1998* (NSW).

3.5. Minutes:

- (a) Accurate minutes including attendance records will be kept of each meeting of the Committee.
- (b) The minutes of the meeting shall be submitted to Committee members for ratification at the next subsequent meeting of the Committee.
- (c) Council will provide a Minute Secretary for the purposes of recording the Minutes of the Committee meetings and for the distribution of Minutes following meetings of the Committee.

- (d) Formal minutes of the meeting are to be kept in accordance with the State Records Act 1998 (NSW) and made available to Council.
- (e) Minutes of meetings are to be distributed within fourteen (14) days of the meeting.

3.6. Reports:

- (a) The Director Planning and Sustainability (or their delegate) will be responsible for specialist reports and all correspondence associated with the Committee.
- (b) Recommendations of the Committee to Council will be by a majority of votes.
- (c) Any recommendations of the Committee that require a Council resolution will be reported to Council for consideration. Any recommendations of the Committee shall not be considered as resolutions of the Council, unless specifically adopted by Council Resolution.

3.7. Media:

- (a) In accordance with the Committee being an operational function of Council, the spokesperson for the Committee is Council's General Manager.
- (b) Individual Committee members may not issue a media release on behalf of the Committee.
- (c) Individual Committee members are not to make public or media comment; if the media approaches a member of the Committee for comment, the member should refer them to Council's Communications Section.

3.8. Unless specified otherwise in the Terms of Reference, all Committee Meetings are to be conducted in accordance with Council's adopted Code of Meeting Practice.

4. Code of Conduct

4.1. Councillors, Council Officers and Members of the Committee must comply with Council's Code of Conduct whilst carrying out functions as Council Officials.

4.2. Exception for Members:

- (a) Members of the Committee must declare any conflict of interests at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest should be appropriately minuted (including the type of interest: pecuniary, non-pecuniary but significant, or non- pecuniary and less than significant).
- (b) Council acknowledges that this is an Advisory Committee and that Clause 1.3 acknowledges that members may from time to time have conflicts of interest in matters before the Committee.
- (c) Members (excluding Councillors and Council staff) will be required to declare conflicts of interest as per Clause 4.2(b); but will not be required to excuse themselves from deliberations. This is to ensure that comprehensive and inclusive stakeholder consultation is undertaken through the Committee and reflects that the Committee is advisory in nature and not a decision-making entity of Council.

4.3. For the removal of any doubt, Councillors and Council staff must strictly adhere to the requirements to declare any conflicts of interest as outlined in Council's Code of Conduct.

5. Review Terms of Reference

5.1. These Terms of Reference will be reviewed as a minimum in the first twelve (12) months after an ordinary election of Council. Council must adopt any changes to the Terms of Reference.

6. Dictionary

Term	Definition
Committee	Narrabri Shire Council Access and Inclusion Committee
Committee Meeting	A meeting scheduled and held in accordance with the Terms of Reference for the Narrabri Shire Council Access and Inclusion Committee.
Council	Narrabri Shire Council
Days	Calendar days, not business days
Members of the Committee	Those persons appointed to be a member of the Narrabri Shire Council Access and Inclusion Committee by a Resolution of Council

History

Minute Number	Meeting Date	Description of Change