

Sunshine Coast Arts Advisory Board

Charter

January 2019



Preface

The Sunshine Coast Arts Advisory Board plays an important role in positioning the arts as a cultural and economic driver in the region. The Board, since its inception in 2016, has been instrumental in developing new and nurturing established partnerships and relationships between Government, the arts industry, artists, corporates and philanthropists on the Sunshine Coast.

The Board, an advisory committee of Council, guides and informs, through the specialist expertise and network of its membership, the decision-making processes of Council in relation to the arts, particularly the development of spaces and places that contribute to a vibrant regional arts scene.

Its strategic approach is required to ensure community and stakeholder expectations are harnessed and considered to support good outcomes in line with the vision and goals of the Sunshine Coast Arts Plan 2018-2038.

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Disclaimer

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Contents

Preface	2
1. Role	4
2. Purpose.....	4
2.1 Objectives.....	4
2.2 Responsibilities.....	4
2.3 Guiding principles	5
3. Accountabilities and Limitations.....	5
3.1 Accountabilities.....	5
3.2 Limitations	5
4. Operations.....	6
4.1 Membership	6
4.2. Member Conduct.....	6
4.3. Term	7
4.4 Remuneration.....	7
4.5 Insurance	8
5. Meetings	8
5.1 Frequency.....	8
5.2 Quorum.....	8
5.3 Proxies.....	8
5.4 Voting	8
5.5 Agendas and Minutes.....	8
5.6 Secretariat.....	9
6. Conduct and Board Functions.....	9
6.1 Delegations.....	9
6.2 Working Groups and Specialist Advice.....	9
6.3 Responsible Council Managers	9
6.4 Compliance with Council Policies	10
6.5 Conflicts of Interest	10
6.6 Confidentiality and Media Policy.....	10
7. Evaluation and reporting.....	10
8. Charter	11
9. Definitions.....	11
10. Corporate plan linkages	12

1. Role

The Sunshine Coast Arts Advisory Board (hereafter 'the Board') provides strategic advice to Council in relation to collaborative opportunities to support and grow the Sunshine Coast local government region's investment in the arts including arts and cultural infrastructure.

2. Purpose

The Board will support Council in its vision to be Australia's most sustainable region – Healthy. Smart. Creative.

It will provide regional leadership to champion the delivery of the Sunshine Coast Art Plan 2018-2038 and advance the Plan's vision: *The soul of our community is our flourishing arts ecology: nurturing connections, promoting experimentation and inspiring collaboration.*

Collaboration and partnerships between government, regional business, industry and influential community groups and individuals will be critical to the success of this Board.

2.1 Objectives

The Sunshine Coast Arts Advisory Board objectives are to:

- a) Guide, promote and help build the identity of the Sunshine Coast as an arts destination for tourism and industry.
- b) Advocate the region's advantages to secure new investment in arts and cultural infrastructure.
- c) Provide strategic advice to Council in relation to arts and cultural facilities and infrastructure.
- d) Provide advice on strategic direction of wider cultural policy and strategy.
- e) Provide opportunities to develop philanthropic activity in relation to the regional arts offer.

2.2 Responsibilities

The Board's primary role will be to provide strategic advice to Council on issues and collaborative opportunities to support and grow government and regional investment in the arts, including arts and cultural infrastructure.

To do this the Board will:

- a) Provide strategic advice, for the consideration of the Sunshine Coast Council, in its delivery of the Sunshine Coast Arts Plan 2018-2038.
- b) Identify key avenues for, and assist in, securing, capital investment to deliver arts initiatives and encourage new investment in the arts.
- c) Develop and maintain a positive ongoing relationship with the Sunshine Coast Arts Foundation.
- d) Advise on, and help to promote, regional, state and national arts initiatives.

- e) Oversee the development of an annual report on a financial year basis, detailing overall progress and achievements in delivering on the Board's objectives (as outlined in 2.1) and responsibilities (as outlined in 2.2).

2.3 Guiding principles

The Board is guided by the following principles

- a) Acting in the public interest.
- b) Achieving Council's vision.
- c) Complying with relevant legislation, regulations and Council policies.
- d) Being accountable to Council and the community.
- e) Operating within Council's Code of Conduct.

3. Accountabilities and Limitations

3.1 Accountabilities

- a) The Board is an advisory and consultative oversight committee accountable, through the Chief Executive Officer, to Council.
- b) The Board will receive advice on Council matters primarily through the Group Executive, Economic and Community Development and the Manager, Arts, Heritage and Libraries Branch.
- c) The Manager, Arts, Heritage and Libraries will ensure that the advice and recommendations of the Board are accurately communicated to the Chief Executive Officer, Group Executive Economic and Community Development, Mayor and Councillors.
- d) The Board will provide an Annual Report to Council in addition to reports requested by Council on specific issues or progress.

3.2 Limitations

The Sunshine Coast Arts Advisory Board and its members shall not:

- a) Direct (or seek to direct) Council staff;
- b) Negotiate or execute contracts or make commitments or undertakings that bind Council;
- c) Disclose to third parties, confidential information to which it has access as an advisory committee of Council;
- d) (Other than the Chairperson) make public statements or respond to media enquiries in relation to any matters relating to its activities; and
- e) Act in a way that brings the professional reputation of Council or Sunshine Coast Arts Advisory Board members into disrepute.

4. Operations

4.1 Membership

- a) The membership of the Board should collectively comprise of a combination of high-level skills and expertise and consist of:
 - i) An independent Chair;
 - ii) The Portfolio Councillor responsible for Community Services, including the Arts, or nominated delegate from the elected Council;
 - iii) One community representative - skill based (arts/strategic/visionary);
 - iv) Two business representatives - skill based (finance/legal/commercial/marketing);
 - v) The Chair, or as an alternate, Deputy Chair, of the Sunshine Coast Creative Alliance;
 - vi) The Chair, or delegate, of the Sunshine Coast Arts Foundation;
 - vii) Employee ex-officio members who are Board members by virtue of the position they hold in the Sunshine Coast Council, including the Manager Arts, Heritage and Libraries or delegate;
 - viii) Two industry representatives from the community, with one industry representative identifying as an Aboriginal or a Torres Strait Islander person. Both industry representatives are to possess professional experience in the arts sector.

The number of members may change at any time at the discretion of Council.

The recruitment of new Board members, including the Chair, will be conducted by Council via a formal, public Expression of Interest process. The process will include the establishment of a panel to shortlist and interview applicants and make recommendations to the Chief Executive Officer.

The Chief Executive Officer, in consultation with the Mayor, Portfolio Councillor responsible for the Arts and the Portfolio Councillor responsible for Community Services, will make appointments to the Sunshine Coast Arts Advisory Board (Council resolution OM 18/33).

4.2. Member Conduct

Members of the Board should avoid actual or potential conflicts between their duties to the Board and their personal interests. Members should also be aware of possible perceived conflicts of interest.

As part of the appointment process, members will be required to complete a conflict of interest declaration (see section 6.4).

Members of the Board who have or acquire directly or indirectly a personal or pecuniary interest in a matter decided or under consideration by the Board must:

- i. as soon as reasonably practicable, before the Board meeting, disclose to the Board full and accurate details of the interest
- ii. not take part in any discussion by the Board relating to the matter
- iii. be absent from the room when any such discussion or voting is taking place
- iv. not have access to information of the Board in relation to the matter in which he or she has the conflict
- v. not seek, directly or indirectly, to influence the outcome of any deliberations by the Board in relation to any matter to which he or she may have a conflict.

Disclosure of this information should be recorded in the minutes of the meeting of the Board and reported to the approving authority (eg. Chief Executive Officer, Group Executive Community and Economic Development) as soon as possible after the meeting. The Chief Executive Officer or Group Executive Community and Economic Development will review the matter and make a decision about the appropriateness of the person continuing to be a member of the Board. Such changes to Board membership will be reported to Council.

If there is any doubt as to whether a conflict of interest exists the relevant member should err on the side of caution and declare the interest and excuse him or herself from the room when any discussion or voting is taking place on the particular issue that is the subject of the conflict.

Additionally, members should update their declarations of interest as they become aware of any real, perceived or potential conflicts. A declaration form during the term of appointment is available.

4.3. Term

- a) The Board is established by Council for an indefinite period or until dissolved by resolution of Council.
- b) Its members shall be appointed for the following terms and will be eligible for reappointment at the expiration of their term:
 - i) The Portfolio Councillor, the Chair or Deputy of the Sunshine Coast Creative Alliance, and the Chair or delegate of the Sunshine Coast Arts Foundation will be permanent positions.
 - ii) The independent Chair will be a two year appointment – maximum two (2) consecutive terms.
 - iii) The remaining members will be a two year appointment – maximum two (2) consecutive terms.
- c) The Chief Executive Officer of Council may at his or her discretion terminate the appointment of any or all members at any time, with or without reasons. Such changes to Board membership will be reported to Council.

4.4 Remuneration

- a) The members of the Board may be provided with remuneration in the form of sitting fees as determined by Council.
- b) The members of the Board will receive appropriate out-of-pocket expenses as determined by the Chief Executive Officer.
- c) Councillors, ex-officio members, and any council or other public sector employee who may be appointed to the Board will not be eligible to receive sitting fees associated with their appointment as a member of the Board.

4.5 Insurance

As the Sunshine Coast Arts Advisory Board is an advisory committee of Council, members will be indemnified by Council in the execution and discharge of their duties.

5. Meetings

5.1 Frequency

- a) The Board shall meet at least quarterly.
- b) Board Minutes will be circulated to Council.
- c) The date, time and venue for each meeting will be determined by the Chairperson in consultation with the Manager, Arts, Heritage and Libraries.

5.2 Quorum

A quorum for meetings of the Board will be a majority of the appointed members, including the Chair. If the number of appointed members is an even number, half of the appointed members are a quorum.

5.3 Proxies

No member is entitled to appoint a proxy. No member may be given authority to represent and/or vote on behalf of another member at meetings.

5.4 Voting

- a) As a general rule, decision making will be via consensus. Where this is not possible, all members have an equal vote and a question is decided by the majority of members present.
- b) If the votes are equal, the Chairperson will have a casting vote if required.
- c) If a member present fails to vote, the member is taken to have voted in the negative.
- d) Ex-officio members are not entitled to vote.

5.5 Agendas and Minutes

- a) Minutes are to be recorded in accordance with the relevant guidelines provided in Section 272 of *Local Government Regulation 2012*.
- b) Members may nominate agenda items to the Manager, Arts, Heritage and Libraries Branch up to 10 working days before each meeting.
- c) The agenda for each meeting will be approved by the Chairperson and circulated to members five working days before each meeting.
- d) Draft meeting Minutes, including action items, will be forwarded to members within five working days after each meeting.

- e) Board members will be requested to confirm the draft Minutes via return email within 10 working days to enable the commencement of actioning recommendations prior to the next meeting.
- f) If a member fails to confirm the draft Minutes within the time period, the member is taken to have voted in the positive.

5.6 Secretariat

The Arts, Heritage and Libraries Branch will provide secretariat support to the Board to enable the smooth running of the meeting processes.

6. Conduct and Board Functions

6.1 Delegations

The Board will have no delegated functions or powers from Council.

6.2 Working Groups and Specialist Advice

- a) The Board may establish working groups from time to time to address specific issues or to provide specialist advice.
- b) A Working Group must be chaired by a member of the Board or delegate.
- c) Specific Terms of Reference, consistent with the Charter for the Board, must be established for each Working Group.
- d) A Working Group must provide a report to the Board on the fulfilment of its Terms of Reference.
- e) A Working Group may exist for no longer than three (3) months from the date on which it is established.
- f) The requirements specified in this Charter in relation to Conflicts of Interest, Confidentiality of Proceedings and Media Policy also apply to members of a Working Group.
- g) With the prior approval of the Chief Executive Officer or delegate, the Board may source specialist expertise on an as needs basis to supplement the skills and expertise of the Board or to discharge specific functions.
- h) The Board, with Chair approval, may invite a guest speaker or specialist to a Board meeting.
- i) The Mayor of the Sunshine Coast Council will be welcome to attend Board meetings.

6.3 Responsible Council Managers

- a) Group Executive Economic and Community Development
- b) Manager, Arts, Heritage and Libraries
- c) Coordinator, Creative Arts and Events

6.4 Compliance with Council Policies

In conducting its functions, Board members are to comply with Council policies (where relevant and appropriate) including Council's Code of Conduct and Council's Workplace Health and Safety objectives and instructions.

6.5 Conflicts of Interest

- a) Members shall, at all times, act ethically in discharging their responsibilities as members of the Board. Failure of a member to do so may result in the termination of their membership of the Board.
- b) At the commencement of their term of appointment, each member shall make a written declaration of interests to the Chief Executive Officer.
- c) A declaration of interests shall include personal, business and other interests of the member and the member's spouse or partner, which could create a conflict of interest (or give rise to a potential conflict of interest) vis a vis the member's role on the Board.
- d) A declaration of interests shall include memberships or affiliations with any business, political, cultural or sporting organisations.
- e) A member must ensure his or her declaration of interests is accurate and up to date at all times. Failure of a member to update their declaration of interests within 14 calendar days of an event necessitating an amendment to the declaration of interests may result in the termination by the Chief Executive Officer of the appointment of the member.
- f) The Chief Executive Officer must maintain in a confidential environment all declarations of interests submitted by members of the Board. This does not restrict however, the obligation on the Chief Executive Officer from disclosing information relating to a member's declaration of interest as required by law.

6.6 Confidentiality and Media Policy

- a) All Board members shall maintain confidentiality of proceedings of the meetings of the Board.
- b) Confidential information provided to the Board members shall not be made available to any person or organisation unless otherwise authorised in writing by the Chief Executive Officer.
- c) The Chairperson is the authorised spokesperson for responding to media enquiries and the making of public statements on matters relating to the work of the Board.
- d) Without the prior approval of the Chief Executive Officer, the Chairperson will not present the views or opinions of the Board as the views or opinions of Council in any public statements or responses to media enquiries.

7. Evaluation and reporting

- a) The Chief Executive Officer in consultation with the Chairperson of the Board shall make arrangements for an independent, biennial assessment of the Board's governance model and performance, including its membership mix, skills and composition.

- b) Each review is to be conducted no later than two years from the date of the last review.
- c) The Chief Executive Officer shall provide the evaluation and recommendations of the biennial assessment referred to in section 7a) to Council for consideration.

8. Charter

This Charter may be amended from time to time by resolution of Council.

Council's Chief Executive Officer may amend the Charter for operational purposes as necessary.

9. Definitions

Arts

In the context of this document, the expression Arts generally refers to, and is understood to mean an outlet of expression, that is usually influenced by culture and which in turn helps to change culture. Major constituents of the arts include visual arts, performing arts, literature, media arts and cinematography. A full definition is available in the Sunshine Coast Arts Plan 2018-2038.

Chairperson

Chair of Sunshine Coast Arts Advisory Board

Charter

The Charter of Sunshine Coast Arts Advisory Board

Chief Executive Officer

The Chief Executive Officer of Sunshine Coast Council, which includes any Acting Chief Executive Officer of Council

Council

Sunshine Coast Council

Local Government Act

Local Government Act 2009

Member

Members of Sunshine Coast Arts Advisory Board

Region

Sunshine Coast Regional Council local government area

Secretariat

Sunshine Coast Council's Arts, Heritage and Libraries Branch

Sunshine Coast Arts Advisory Board

An advisory committee of Council constituted under Section 264 of *Local Government Regulation 2012*.

10. Corporate plan linkages

Goal: A strong community

Strategic Pathway: 2.3 A shared future where culture, heritage and diversity are valued and embraced

Operational Activity: 2.3.1 Develop and implement the Sunshine Coast Arts Plan 2018-2038

Goal: An outstanding organisation

Outcome: 5.4 - Collaborative, proactive partnerships with community, business and government

Operational Activity: 5.4.3 - Develop and implement a strategic relationship management program



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