

**Minister's Creative Council**

# **Terms of Reference and Guidelines**

## Contents

Acknowledgement of Country .....	4
Purpose.....	4
Powers.....	4
Membership .....	5
Composition and Representation.....	5
Terms of Appointment .....	5
Eligibility.....	5
Appointments and reappointments .....	5
Resignation .....	6
Roles & Responsibilities .....	6
Chair.....	6
Deputy Chair .....	6
General Members.....	6
Support Persons.....	6
Minister’s Adviser .....	7
Standing Invitations .....	7
Invited Speakers .....	7
Secretariat .....	7
Operation .....	7
General Meetings .....	7
Quorum.....	8
Leave of absence and apologies .....	8
Business between meetings .....	8
Out of session matters .....	8
Sub-committees.....	9
Community Engagement .....	9
Official business and representation.....	9
Code of Conduct.....	9
ACTPS Values and Signature Behaviours.....	9
Confidentiality .....	9
Conflict of interest .....	10

Disciplinary action.....	10
Complaints .....	10
Remuneration.....	11
Updating Terms of Reference .....	11
Suspension or Cessation of Council .....	11
Contact details.....	11

## Acknowledgement of Country

The ACT Government acknowledges the Country of the Canberra region where the Minister's Creative Council meets and conducts business. We pay our deepest respects to Ngunnawal Elders, past, present, and emerging, and recognise any other people or families with connection to the lands of the ACT and region. In honour of the invitation, Ngunna yerrabi yanggu, we will work and walk with lightness on the lands of the Ngunnawal in all we do.

The ACT Government is committed to learning from and walking alongside the Traditional Custodians who have looked across and looked after the lands and waterways since time began. We will listen closely and honour their stories, traditions and languages that have been – and continue to be – shared, enjoyed, and celebrated for millennia.

The ACT Government values the generosity of all Aboriginal and Torres Strait Islander peoples who call Ngunnawal Country home and who are invited to share their diverse cultural and artistic expressions on these lands and with our community

## Purpose

The Minister's Creative Council has been established to provide strategic advice to the Minister for the Arts, Culture and the Creative Economy on issues affecting Canberra's arts, culture and creative sector; and to provide an enhanced link between the sector and the Minister.

To achieve this, the Council will:

- engage with the ACT arts, culture and creative sector, relevant organisations and groups, and with the broader community;
- provide the ACT Government, via the Minister, with direct and well-informed information and advice regarding the ACT arts, culture and creative sector, to ensure that its experiences, concerns, expectations and aspirations are understood by Government;
- advise the Minister on priorities, ideas and aspirations for the ACT arts, culture and creative sector, identified through members' experiences and engagement with community;
- respond to questions from the Minister for the Arts, Culture and the Creative Economy to inform the implementation of Canberra: Australia's Arts Capital – Arts, Culture and Creative Policy 2022-2026 and Action Plan;
- serve as a point of contact for the community regarding systemic and arising issues; and
- where appropriate, and in collaboration with the Directorate (artsACT), provide updates to community groups on relevant consultations and government initiatives.

## Powers

The Council is an **advisory body**, without legislated powers, but with the Minister's endorsement to actively engage with the community, and to report to the Minister on relevant current issues and strategic matters; and to recommend ideas, initiatives, or other specific action in regard to the arts, culture and creative sector in the ACT.

## Membership

### Composition and Representation

The Council will comprise a minimum of seven and a maximum of 12 appointed members including the Chair and Deputy Chair.

Two members will be from Aboriginal and Torres Strait Islander communities with at least one member being a member of the Aboriginal and Torres Strait Islander Arts Network. One member will have a lived experience of disability.

The Council will also strive to create a membership that achieves gender balance; and includes people with a range of ages; Aboriginal and Torres Strait Islander people; culturally and linguistically diverse people; people with disability; people who identify as lesbian, gay, bisexual, transgender, non-binary, intersex or queer; people from various locations within the ACT; and people in different socio-economic circumstances (or their advocates).

To capture a variety of voices and intersections from the ACT arts, culture and creative sector, members should be:

- individuals who can demonstrate professional experience in one (or more) of these artistic disciplines: visual art and craft, performance arts, literature, multi arts, screen and design, or applied arts in community or cultural contexts; and/or
- individuals who can demonstrate professional experience in arts management, including skills such as sector development, producing, curating, artist development, business, governance, risk management, legal, financial or social inclusion.

### Terms of Appointment

Appointments will be for a two-year period, with a ministerial option to extend by another two years. No member may serve more than two consecutive terms.

### Eligibility

Applicants must be ACT residents; work, study, or volunteer in the ACT; or demonstrate another significant connection and commitment to the ACT.

Existing members may re-apply for a second term through a simple email or letter to the Council's secretariat, without the need for a full application, but with an updated biography.

ACT Public Service employees are ordinarily eligible for appointment in a personal capacity if there is minimal conflict between their duties to the Council and to the ACT Public Service.

### Appointments and reappointments

Members are appointed by the Minister, following recommendations from a selection panel, and the endorsement of Cabinet. Any Cabinet endorsed member can subsequently be appointed by the Minister as Chair or Deputy Chair.

## Resignation

Members are required to directly notify the Minister of their wish to resign through a letter or email.

## Roles & Responsibilities

### Chair

The Chair is the Council's main public representative. The role of the Chair is to facilitate courteous, respectful, open, constructive, and creative discussion between members on matters within the Council's remit.

The Chair will assist members to work together as a group by facilitating discussion; ensuring all members have equal opportunity to contribute ideas, opinions, and concerns; and drawing participation from all members. This will include ensuring that any action required is appropriately assigned and co-ordinating with members to establish out of session working groups.

The Chair will also be responsible for presenting information from the Council to the Minister for the Arts, Culture and the Creative Economy in a timely manner, including providing advice and ideas that are identified and developed at meetings and any other work that may arise out of session.

### Deputy Chair

The Deputy Chair's role is to act for the Chair in their absence; to attend forums on the Council business as the Chair's delegate; and to otherwise assist the Chair as necessary.

### General Members

All members are expected to attend, prepare for and actively participate in meeting discussions and work projects. Members are to advise the Secretariat when they have completed agreed actions arising from previous meetings. Members may also be expected to periodically contribute to agenda papers.

Members may be asked to be available for business between meetings including participation in any formal forum run by the Council, out of session matters and work on subcommittees, and representation at events. Active participation and involvement are expected of all Council members and will be delegated and monitored by the Chair and Deputy Chair, to ensure an equal distribution of work among members.

Members are expected to maintain links with the community and actively seek feedback and advice in the normal course of this engagement. While some members may be selected due to their knowledge and experience within community organisations, they are appointed as individuals to provide advice and opinions in the best interests of the ACT community, and not to represent an organisation.

### Support Persons

People with disability may seek the Chair's agreement to have a support person attend meetings with them to help participate in the meeting. This may include assistance with

physical or communication needs or to provide advice to a member with intellectual disability. Other members may also seek the Chair's approval to have a support person attend meetings with them to advise them on Council processes, or to act as their translator. These support persons will not directly contribute to Council discussions or have voting rights, and will not receive a member per diem.

### Minister's Adviser

The Adviser will ordinarily have a standing invitation to general meetings as a guest, with their primary role at meetings being to clarify the Minister's position on issues and/or provide advice on processes.

### Standing Invitations

The Council may choose to extend a standing invitation to other persons/officers to assist in the operation of the Council e.g. staff in the relevant ACT Government policy unit. These persons will ordinarily only contribute to Council discussions when invited to do so.

### Invited Speakers

The Council may invite guest speakers, advisers or facilitators to specific meetings to assist it in better understanding specific issues within its remit e.g. Government officers explaining a relevant policy or program, an academic explaining relevant current research findings or a facilitator to assist the Council to reach a particular outcome.

### Secretariat

A secretariat will be assigned to the Council by the relevant ACT Government policy unit and will be responsible for minute taking and the coordination of Council papers.

### Operation

#### General Meetings

Meetings will ordinarily be held every two months and held at least five times per year. This may vary depending on the Council's workload.

Meetings will typically be structured to provide opportunities for members to raise matters identified by the ACT arts, culture and creative sector, relevant organisations and groups, and broader community; respond to questions from the Minister for the Arts, Culture and the Creative Economy to inform the implementation of Canberra: Australia's Arts Capital – Arts, Culture and Creative Policy 2022-2026 and Action Plan; and generate discussion on ideas and initiatives that would benefit the ACT arts, culture and creative sector.

Members who cannot attend a meeting must send their apologies to the Chair, directly or via the secretariat, explaining why they could not attend.

Whenever possible, decisions are to be made by consensus. If consensus cannot be reached, decisions will be made by a majority vote of those members present. Where necessary, the Chair will use a casting vote to break a deadlock. A member who abstains from voting, or dissents from the majority ruling, can request to have their action/opinion recorded in the minutes of the meeting. Diversity of opinion on issues will be reflected in the advice provided to the Minister.

Extraordinary meetings may be required to progress urgent and significant issues.

The Council may deal with some matters out-of-session, usually where feedback is sought from Council members on a non-policy issue.

Where a matter requiring resolution is to be dealt with in an out-of-session paper, agreement by two thirds of Council members is required for assent.

### Quorum

A general meeting quorum will be at least half the current membership, plus one (including teleconference attendees); and this is required for agreement on significant actions.

### Leave of absence and apologies

Where a member is unable to attend a meeting, that member should submit an apology to the Secretariat and the Chair stating the reason for the absence. Where a member does not submit an apology and does not attend a meeting, they will be recorded as absent.

Proxies and/or observers will not be accepted to replace the absent member.

Members' terms may be cancelled if they fail to attend three consecutive meetings (regardless of whether an apology has been recorded).

Members may apply to the Chair for a Leave of Absence of up to three months from the Council. The Chair may grant any such application if it is permissible within the operational needs of the Council.

Applications for a Leave of Absence for longer than three months must be submitted to the Minister and will be granted at the discretion of the Minister. Where a leave of absence has been granted for more than three months, the Minister may appoint a casual replacement for the duration of the leave granted.

### Business between meetings

The Chair may write and sign letters and conduct business between meetings on behalf of the Council, and the Secretariat must be provided with copies of all correspondence. The Chair may delegate these operations to the Deputy Chair (or other members) as needed.

All submissions and significant correspondence (for example, a response to a statutory body) must be cleared through the Chair and the Minister for the Arts, Culture and the Creative Economy.

Members are expected to advise the Secretariat when they have completed agreed actions arising from previous meetings.

### Out of session matters

The Council may deal with matters out of session.



Where an urgent response is required from Council members between meetings, the Chair must endeavour to alert members to the relevant business via email, text message or other appropriate means, providing a clear timeframe for response.

Where a matter requiring resolution is to be dealt with in an out of session paper, agreement by two thirds of Council members is required for assent.

### Sub-committees

Sub-committees can be established to specifically work on key Council policy matters or projects under the guidance and approval of the full Council.

### Community Engagement

Council members are expected to engage with their community network to inform Council business. This may be done at routine meetings of community organisations, or through specially scheduled meetings, and should be reported to Council.

The Council, as a body, may undertake one or more community engagement forum/s within its term, with secretariat support, and in partnership with the Minister.

### Official business and representation

Members will be deemed to be on Council business when representing the Council at meetings and other forums; and when generally attending to the operation of the Council.

Formal communications such as speeches, submissions and other significant correspondence delivered by the Chair or their delegate on behalf of the Council must be provided to the Minister's Office in advance for information.

All contact with the media on behalf of the Council requires consultation with the Chair. Any information to be released to the media on behalf of the Council needs to be cleared through the Chair, and the Minister.

If using social media in a private capacity, members must comply with the [ACT Government social media guidelines](#) regarding comment on government matters including not giving the impression that they represent the views of the Council or the ACT Government, and being mindful of the confidentiality of Council papers and discussion.

### Code of Conduct

#### ACTPS Values and Signature Behaviours

Council members are expected to follow Section 9 of the [Public Sector Management Act 1994](#) on public sector conduct.

### Confidentiality

All Council papers must be considered as confidential unless indicated otherwise by the Chair, or where the papers are already in the public domain.

Members may occasionally also be provided with other confidential material, which they must not disclose to anyone outside the Council and treat with the utmost care and discretion. Discussion within Council meetings must also be treated as confidential.

### Conflict of interest

Conflict of interest is defined as any instance where a Council member has a personal, financial or other interest in matters under consideration, or proposed for consideration, by the Council. For example, a member might have a financial interest for themselves, family or friends in advice to government about specific service funding.

A member must disclose to the Chair any situation that may give rise to a personal conflict of interest, a potential conflict of interest, or a potential perceived conflict of interest. The Chair will make the determination whether there are adequate grounds for excluding a member from any discussion or decision making regarding a specific issue.

Where the Chair has the personal conflict, or the potential or perceived conflict, the Deputy will lead the discussion and make the appropriate determination.

### Disciplinary action

A member breaches the Code of Conduct by disregarding these professional conduct guidelines, including:

- conduct that causes imminent and serious risk to the health or safety of a person, or to the reputation or viability of the Directorate's business;
- theft or fraud;
- being intoxicated while on Council business; or
- other deliberate behaviour that is inconsistent with the continuation of their Council membership.

The member will be advised of any disciplinary action to be taken, and given two warnings, followed by immediate termination if a third breach occurs. The Minister will advise the member in writing of their termination.

Membership can also be revoked by the Minister where a member fails to adequately contribute to the Council's work by failing to attend three consecutive meetings, or missing 50% of meetings in a year, without accepted apologies or leave.

### Complaints

In consultation with the Secretariat the Council will establish a complaints management framework that will address circumstances where:

- a community member would like to make a complaint against the Council;
- a Council member would like to make a complaint against another member, the Deputy Chair or Chair; and
- a member of the Council would like to make a complaint against the Secretariat.

Information about how to access the complaints process will be made publicly available in an accessible manner, alongside referrals to appropriate supports where available.

## Remuneration

The Chair will be paid per diem (which in effect means per meeting), as per the latest determination of the ACT Remuneration Tribunal for Part-time Public Office Holders.

Where the Remuneration Tribunal has included the Deputy Chair or ordinary members in this determination, they will also be paid a per diem payment. Per diem claims for additional meetings on Council business will only be considered where these meetings have been at the request, or agreement, of the Chair, and will ordinarily be limited to three per year.

Where the Deputy Chair and/or ordinary members have not been included in the above determination, they may be entitled to claim the Community Participation Payment.

Payment will ordinarily be restricted to occasions where a member attends general meeting and includes recognition of the member's out of-session contributions. Interpretation of this fee considers that the per diem is paid to regularly cover approximately four to five hours of work per meeting and to accommodate for work involving subcommittees. It is expected that not all members will use their four hours for each meeting, but that some members will accrue hours informally from meeting to meeting. For example: A member may participate in the meeting only for one session, but in the next session may work six hours to fulfil obligations related to working groups or sub-committees and in contributing to the drafting of information for the Minister.

Where required, inclusionary support measures may be provided by the ACT Government to members of the Council. This could include measures such assistance with internet access or IT equipment to enable members who may have limited access to resources to participate in Council business fully.

The remuneration of members for additional payments or expenses will be considered on a case-by-case basis and needs to be discussed and agreed with the Chair and approved by artsACT before the expense is incurred. Payments will not ordinarily exceed six per year.

## Updating Terms of Reference

The relevant Minister must approve these Terms of Reference as part of the Council's recruitment process; and they reserve the right to amend them at any time. The Minister may also direct that an independent evaluation be undertaken regarding the Council's performance, which may include a review of the Terms of Reference.

## Suspension or Cessation of Council

The Minister to whom the Council reports reserves the right to suspend the work of the Council or to dissolve the Council at any time. The Minister may also direct that its work will be continued through another forum, including through another advisory council or forum.

## Contact details

### Secretariat

Minister's Creative Council  
artsACT

Chief Minister, Treasury, Economic Development Directorate

**Contact details**

GPO Box 158

Canberra ACT 2601

Email: [creativecouncil@act.gov.act.au](mailto:creativecouncil@act.gov.act.au)

Phone: 02 6207 2384

**Webpage**

<https://www.arts.act.gov.au/community-participation/Ministers-creative-council>