

Terms of Reference – Minister’s Creative Council

Role

The Minister’s Creative Council (MCC) is a positive, solutions focused, Ministerial advisory body for the arts in Canberra. The MCC is a two-way conduit of information and provides strategic advice to the ACT Government on the arts and sector issues. The MCC assists the Government to develop arts policies in order to promote and advance the arts across government and community, reflecting the importance of the arts to all.

The MCC is a direct response to community feedback to the ACT Government and follows a series of round table discussions with the arts sector in July 2017 about its role and purpose. The MCC aims reflect the diversity of the ACT arts sector across all levels of practice and participation. Leveraging the divergent thinking capacity of the sector, the MCC will work as a creative and strategic think tank to generate brilliant ideas about the arts.

Terms of Reference

- Provide advice and arts sector perspectives on arts matters referred by the Minister for the Arts and Community Events, those generated as a result of community engagement and those self-generated by the MCC.
- Utilise its creative and critical thinking capacity to provide strategic vision, brilliant ideas and solutions addressing sector needs for the Minister’s consideration.
- Directly engage with the ACT Arts Sector to encourage collaboration, identify opportunities and consider concerns;
- Provide a point of contact for the arts community, and communicate directly with the ACT Government;
- Disseminate and communicate (in person, electronically or otherwise) information to the community on the proceedings of the MCC in collaboration with the Minister and Secretariat; and
- Provide an annual report on the progress of work undertaken by the MCC to the Minister.

The MCC will develop an annual Work Plan of its proposed activities and associated outcomes for submission to the Minister for review and endorsement. The MCC may elect a small group of priorities to consider deeply over the course of a work cycle along with those issues referred by the Minister for consideration.

Membership

Structure

The MCC comprises members of the arts community in Canberra which includes art forms such as visual arts and craft, music, dance, Aboriginal and Torres Strait Islander arts and cultures, theatre, physical theatre and circus, literature, community arts and cultural development, screen arts, comedy, design, curatorship and arts events. Members may also have skill in strategic and divergent thinking, producing, research and planning and other complementary skills.

The MCC will consist of a minimum of seven to a maximum of twelve members, including a Chair and a Deputy Chair. Individual members, including the positions of Chair and Deputy Chair, will be appointed by the Minister.

Aboriginal and Torres Strait Islander members of the MCC are able to nominate a proxy to provide support to them in their role on the Council. When the member attends, the proxy is an observer and may not vote. When the member is absent, the proxy may vote in place of the member. At least one of the Aboriginal and Torres Strait Islander members of the MCC will have representation on the ACT Aboriginal and Torres Strait Islander Arts Network.

Terms will be staggered to ensure continuity of the work plan during the rotation of its membership on a biennial basis.

Composition and Representation

The Minister will give consideration to choosing members to provide a broad range of knowledge, skills, qualifications and experience relevant to the arts community.

Each member of the Council must be able to demonstrate experience in one of the listed art forms (visual arts and craft, music, dance, Aboriginal and Torres Strait Islander arts and cultures, theatre, physical theatre and circus, literature, community arts and cultural development, screen arts, comedy, design and arts events). Additional skill such as sector development, artist development, business, governance, risk management, legal, financial or social inclusion will also be considered.

The Chair in consultation with the Minister has the discretion to co-opt additional members, including representative members with expertise for specific projects as outlined in their Work Plan.

The Minister will appoint a Ministerial Liaison Officer, who will attend meetings as a non-member.

Government policy on boards and committees seeks to achieve and maintain 50% representation of women on all government boards and committees, and also increase the representation of Aboriginal and Torres Strait Islanders, people with a disability, persons from culturally and linguistically diverse backgrounds and community organisations (Governance Principles 2017).

Terms of Appointment

- Appointments will be for two year terms, unless otherwise determined by the Minister;
- No member may serve more than five consecutive years;
- The MCC may form working groups to progress their Work Plan. These groups must be chaired by a appointed member of the MCC but membership is not limited to members of the MCC; and
- The Minister has discretion to appoint additional members to casual vacancies.

Leave of Absence and Apologies

- Where a member is unable to attend a meeting, that member should submit an apology to the Secretariat stating the reason for the absence. Apologies are noted in the Meeting Minutes;
- Proxies and/or observers will not be accepted to replace the absent members (with the exception of Aboriginal and Torres Strait Islander members and represented organisations as referred to in the Terms of Reference);

- If a member fails to attend three consecutive meetings without leave from the Chair, their term may be cancelled;
- Members may apply for a leave of absence from their MCC responsibilities for up to three months. This must be agreed to by the MCC Chair in order for it to be effective; and
- For a period of absence of longer than three months from MCC responsibilities, the request must be submitted to the Minister for agreement.

Vacation of Office

Members may resign from the MCC at any time provided they notify the Minister in writing, stating their intention to resign from the MCC, with a copy to the chair, at least four weeks prior to the date of resignation. The appointment of replacement members is at the discretion of the Minister.

Role of the Chair

The Chair is ultimately responsible to the Minister for the Arts and Community Events for the operations of the MCC. The role of the Chair is to:

- Act as a public spokesperson for the MCC;
- Facilitate orderly and constructive discussions between members on matters within the MCC's Terms of Reference;
- 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;
- Consider innovative models and processes for idea generation and problem solving;
- Maintain a positive and constructive atmosphere at MCC meetings by encouraging courtesy, respect and openness;
- Ensure inclusive work practices including cultural awareness;
- Ensure that any action arising from the Work Plan or meeting is appropriately assigned;
- Ensure that the work program of the MCC is achievable within resourcing for the group; and
- Liaise with the Secretariat to develop meeting agendas and ensure the progression of actions arising from meetings.

Secretariat Support

Secretariat support to the MCC will be provided by artsACT, Chief Minister, Treasury and Economic Development Directorate (CMTEDD). The Secretariat is responsible for:

- Developing agendas (for MCC meetings and other business involving CMTEDD and members of the MCC) in consultation with the Chair;
- Distributing the agenda and meeting papers in appropriate formats;
- Assisting MCC members to prepare agenda papers and submit business to the MCC;
- Taking minutes, clearing them with MCC members, revising as needed, producing them in the required format and distributing them, normally within two weeks of a MCC meeting;
- Monitoring action items arising from MCC business and assisting in their implementation, including liaising between the MCC and government agencies;

- Supporting members to complete paperwork for reimbursement, ensuring information is verified and submitted to the Secretariat; and
- Arranging venues and refreshments for meetings.

Operation

General Meetings

- The MCC is to meet a minimum of four times and a maximum of eight times a year.
- Working groups may be held as necessary.
- A draft agenda will be developed prior to each meeting by the Secretariat. In developing the agenda; consideration will be given to any direction provided by the Minister. The agenda should link to the MCC Work Plan.
- The agenda and papers are to be circulated to members at least one week before the meeting.
- Regular meetings are to be facilitated by the Chair, or in their absence the Deputy Chair, or in their absence a member nominated by the members present at that meeting.
- The Minister may choose to attend meetings of the MCC and will address the MCC directly to describe themes for discussion and expectations of outcomes.
- Whenever possible, decisions of the MCC are to be made by consensus. If consensus cannot be reached, decisions will be made by a majority vote of those members present and noted in the minutes. The advice provided to the Minister will include the diverse range of opinions of members.
- A member who abstains from voting, or does not agree with the majority ruling, can request to have their concerns noted in the minutes of the meeting.
- At each meeting, MCC members are to provide updates on consultations they have attended on behalf of the MCC, and any significant issues related to projects under the MCC's Work Plan.
- Following each meeting, a report is to be provided to the Minister highlighting significant progress arising from meetings.
- At least one Community Consultation Forum is to be held annually in partnership with the Minister.

Quorum

In order for decisions to be made at meetings there is to be a quorum of at least half of the total current number of members plus one.

Confidentiality

Unless otherwise indicated, all MCC papers and minutes are confidential. The release of MCC documents will be made on determination of the Council and Minister in line with the requirements of the *Freedom of Information Act 2016*. Members may, on occasion, be provided with other confidential material, which they should not disclose to anyone outside the Council and should treat with the utmost care and discretion.

Business between Meetings

The Chair may write and sign letters and conduct business between meetings on behalf of the MCC, and the Secretariat should 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) should be cleared through the Chair and the Minister (with the exception of correspondence to the Minister).

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

The MCC may deal with some matters out-of-session such as policy submissions and correspondence. Where a matter requiring resolution is to be dealt with out-of-session. Whenever possible, decisions will be made by consensus. If consensus cannot be reached, decisions will be made by majority with information provided to the Minister on the range of opinions of members.

Official Business and the Representation of Council Views

The Chair and the Deputy Chair will be deemed to be on MCC business when representing the MCC at meetings and forums and when attending to the operation of MCC and meeting with ACT Government representatives and such another business as may reasonably be required in discharging the MCC's Terms of Reference. The Chair and Deputy Chair must represent existing MCC policy in the public domain, including the media, as needed to discharge the Council's Terms of Reference.

A member will be deemed to be on official duties: while attending meetings of the MCC; and while undertaking a task at the request of MCC or as a representative of the Minister (these tasks could include representing the MCC on other committees, working groups and seminars).

Member(s) on official business outside of meetings are expected to reflect the existing policies of the MCC and shall report on the matter to the Council meeting following the event or by a report sent to the MCC.

Formal Speeches and papers to be delivered by a member on behalf of the MCC or the Minister; submissions to inquiries and committees; and significant correspondence will be cleared through the Secretariat and the Minister prior to their presentation and a copy made available to the Secretariat.

All contact with the media on behalf of the Council requires the approval of the Chair. Any information to be released to the media on behalf of the Council will need to be cleared through the Chair and the Minister.

Any social media or web material is to be coordinated by the MCC Secretariat and cleared with the Chair in line with policies developed by the MCC and may include the Work Plan, progress reports; speeches and submissions.

Reimbursement of Expenses

Members of the MCC will be paid a per diem at a rate determined by the ACT Remuneration Tribunal. This is in recognition of the work undertaken by members of the MCC to fulfil its role. Members are expected to actively contribute to the work of the MCC including: supporting the Chair and Deputy Chair; taking part in community consultations and other business; maintaining links with the community; and acting in accordance with the provisions of these Guidelines.

Reasonable costs incurred by members during such activities will normally be met by the per diem payment, but can be considered on a case by case basis.

Conflict of Interest

Conflict of interest is defined as any instance where a MCC member has a direct financial or other interest in matters under consideration, or proposed for consideration, by the MCC.

A member must disclose to the Chair any situation that may give rise to a 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 related discussion or decision making regarding a conflict of interest issue.

In a situation where a Public Servant is a MCC member, this should not in any way constrict the independence of the advice provided by the MCC. Issues such as whether the duties of the Public Servant extend to reporting back to the Minister (or communicating with the MCC on behalf of the Minister) should be made explicit from the outset by the Chair and preferably in writing.

Conflicts of interest that are sufficient to justify the termination of a member's appointment must be approved by the Minister. In such a situation, the Chair has the power to suspend the person's membership until the Minister's agreement is obtained.

Governance Principles: Appointments, Boards and Committees in the ACT

Governance Principles: Appointments Boards and Committees in the ACT provides guidance on appointment processes, legal and ethical requirements, as well as operational matters including induction, meeting procedure and performance. It is available on the [Chief Minister, Treasury and Economic Development Directorate's website](#).

Termination

The Minister retains the discretion to terminate a members' appointment to the MCC at any time.

Dissolution of Council

The Minister for the Arts and Community Events may dissolve the MCC by notice in writing to members.

Review of Terms of Reference

The Terms of Reference shall be reviewed every two years.

Contact Details

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Minister's Creative Council

artsACT

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