

## CONSTITUTION FOR CULTURAL CREATIVE ADVISORY COMMITTEE

### 1. DEFINITIONS

Unless the contrary intention indicates otherwise, in this Constitution the following words and expressions have the following meanings:

|              |   |
|--------------|---|
| CEO          | means the Chief Executive Officer of Clarence City Council (or their delegate). |
| Committee    | means the Cultural Creative Advisory Committee.                                 |
| Constitution | means this constitution.  |
| Council      | means the Clarence City Council.  |
| Councillor   | means an elected member of the Clarence City Council.                           |
| ELT          | means Executive Leadership Team.  |

### 2. BACKGROUND TO SPECIAL COMMITTEES

Committees play an integral part in assisting and advising council to achieve its Strategic Plan, associated strategies, policies and decisions of Council. The *Local Government Act 1993 (Tas.)*, sections 23 and 24, empowers Council to establish committees and special committees on such terms and for such purposes as it thinks fit. Special committees can be made up of councillors, council staff and members of the public appointed to the committee.

### 3. PURPOSE OF CULTURAL CREATIVE ADVISORY COMMITTEE

The Cultural Creative Advisory Committee has been established under the provisions of section 24 of the *Local Government Act 1993 (Tas.)*.

Within the scope of Council’s Cultural Creative Strategy, the Committee has responsibility for:

- a) aligning functions and objectives to the key priorities outlined in the Cultural Creative Strategy which include:

- i. establishing and celebrating Clarence as a 'Gateway to Tasmanian culture'
  - ii. reflecting, respecting and celebrating the Aboriginal community, their heritage and contemporary cultural practices within arts and cultural programs
  - iii. recognising the importance of the arts and culture to community and utilising the arts and culture within council strategies to achieve its vision and goals, and
  - iv. ensuring the economic benefits and social inclusion functions of the arts are considered in all council activities.
- b) facilitating internal and external stakeholder engagement to encourage quality decision making and achieving goals and strategies under Council's Strategic Plan and Cultural Creative Strategy 2023 – 2033.

## 4. KEY FUNCTIONS

The Committee has the following key functions:

- a) to have input into the development, implementation and review of council's policies, strategies and initiatives relevant to the purpose of the Committee outlined under clause 3 of this Constitution
- b) to provide an opportunity for members of the community and other stakeholders to communicate views to Council on issues related to the purpose of the Committee
- c) to act as a conduit for key stakeholders to have input into the implementation of the Cultural Creative Strategy on behalf of the Clarence community
- d) to explore and promote opportunities within the municipality consistent with the purpose of the Committee
- e) to provide input into the annual goals of Council in relation to the purpose of the Committee
- f) making recommendations to Council on strategic projects, and
- g) to provide suggestions for projects, programs and other initiatives as part of council's annual budget processes.

## 5. POWERS OF COMMITTEE

The Committee acts in an advisory capacity only and has no authority to make decisions on behalf of Council, to direct staff or engage in operational decision-making. Committee

members must not speak on behalf of the Council unless specifically authorised or delegated by the Mayor.

Council may request the Committee to consider issues within the purpose of the Committee and to provide specific advice and/or recommendations to Council.

The Committee is to operate at all times in accordance with this Constitution and the policies and procedures of Council.

## 6. COMMITTEE MEMBERSHIP

The Committee consists of:

- a) up to three (3) Councillors (with a minimum of two (2)) one of which is appointed as Chair
- b) one Executive Leadership Team member (or a manager reporting to an ELT member) plus one (1) council officer (subject matter expert), both appointed by the Chief Executive Officer, and
- c) community representation of up to six (6) community members.

## 7. APPOINTMENT

The method of appointment of Committee members will be as follows:

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### COUNCIL APPOINTEES

Council will appoint new Councillor representatives within three (3) months of each ordinary council election. Appointments will be for the term of council (4 years) and will automatically expire at the end of each term. Councillor appointments to the Committee may be varied during the term of Council by a council decision.

The ELT and council officer representation will be determined by the CEO, with appointments reviewed periodically by the CEO to ensure appropriate representation is maintained.

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### COMMUNITY APPOINTEES

Community appointees will be appointed for a period of four (4) years so that 50% of the community appointees will be appointed once every two (2) years. The aim is to ensure continuity of community representation and input over time.

Community appointees will be selected via a nomination process. The nomination process will be conducted as follows:

1. An advertisement will be placed in The Mercury and Council's social media networks
2. Nominations will be received in writing on a completed nomination form (Attachment 1, form yet to be updated), and
3. To be considered, nominees will be required to meet the following criteria for nomination:
  - i. Be a resident of Clarence
  - ii. Own a business based within Clarence, or
  - iii. Be a member of a recognised not-for-profit or cultural creative organisation based within Clarence, or
  - iv. Be a Tasmanian Government employee nominated by a government department with a clear interest relevant to the purpose and objectives of the Committee, and
  - v. Must have demonstrable experience, interest and/or skills relevant to the purpose of the Committee.

New community appointee membership is decided by the existing members of the Committee in consultation with the appointed ELT member and Chair. The Chair will recommend new appointees to the CEO. The CEO will provide each new community appointee with a letter of appointment that sets out, amongst other things, the term of appointment.

## 8. TERMS OF OFFICE – COUNCIL REPRESENTATIVES

Council will appoint up to three (3) Councillors (a minimum of two (2)) as its representative members on the Committee. Appointments are made following the conducting of ordinary Council elections and the appointments are for a term of the Council (currently 4 years).

The duration of appointment for the council officer representatives is at the discretion of the CEO.

## 9. TERMS OF OFFICE – COMMUNITY REPRESENTATIVES

The term of appointment for Community Committee members will be up to four (4) years. Community Committee members may only serve two (2) consecutive terms.

If a Community Representative position becomes vacant before the expiration of that representative's term, then the vacancy will be filled using the method of appointment described at clause 7 for Community Representatives. A Community Representative who is appointed to fill a casual vacancy will serve for the remainder of the term of the former representative.

A Community Committee member may resign by giving written notice to the Chair. Council may terminate an appointment if:

- a) the member fails to disclose a conflict of interest, or
- b) the member is absent from three (3) consecutive meetings of the Committee without informing the Chair of an official apology.

## 10. COMMITTEE WORKING GROUPS

The Committee has the following Standing Working Groups:

- Nil

The Committee may establish ad hoc working groups as required to address specific issues related to the purposes of the Committee. Working groups are required to undertake their work in accordance with this Constitution and act in accordance with Council policies and applicable legislation. A working group is to be chaired by a Councillor Representative. A working group must report on its activities through the meetings of the Committee.

## 11. MEETING PROCEDURES

### PROVISION OF AGENDAS AND MINUTES

The council officer is responsible for providing an agenda in the standard format at Attachment 1 for each meeting at least 7 days before a scheduled meeting date.

The council officer is responsible for providing minutes in the standard format (Attachment 2) to the Committee via email within 14 days of a meeting. Minutes of each meeting are to be recorded and approved by the Committee at a subsequent meeting of the Committee.

The minutes of each meeting are to be confirmed by the Committee and signed by the Chair at the subsequent meeting of the Committee.

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## ROLE OF CHAIRPERSON

The Chair is responsible for:

- a) conducting committee meetings in an efficient, effective and inclusive manner, and
- b) acting as the Committee's spokesperson where required and in accordance with Council Policy C1.60 – "Policy and Operational Framework for Media Communications by Council "Special" Committees."

If the Chair is not present at a meeting of the Committee, a Committee Representative elected by the Representatives present at the meeting is to chair the meeting. If no person is elected to preside at the meeting, the meeting is adjourned to the time and place of the next scheduled meeting as notified by the council officer.

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## FREQUENCY OF MEETINGS

Meetings of the Committee must be held at least four (4) times per year to be scheduled on a regular basis in advance. Dates and possible venues for such meetings will be decided at the last meeting of the calendar year.

If an urgent meeting is necessary, the Chair is required to provide the notice of the meeting and the agenda at least five (5) days prior to the meeting date.

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## VENUE

Committee members may attend meetings electronically subject to appropriate resources being available. Committee meetings will be held at the Council Chambers unless the Committee otherwise decides.

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## VOTING

Where decisions are required by the Committee, the Chair will seek to bring Committee members to a consensus decision. Where a consensus cannot be reached, the issue will be put to the vote. Meeting observers will not have voting rights. Members must be present to be able to vote on an issue.

A vote is decided by a simple majority. A tied vote will result in the proposed decision being lost.

A Committee member present may request that their dissent be recorded within the Minutes.

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## QUORUM

A quorum will be half the number of members plus one.

At a meeting where a quorum is not present, the meeting can proceed with recommendations for decisions being carried forward to subsequent meetings where a quorum is present.

## 12. COMMITTEE CONDUCT

Committee members must act in accordance with all Council policies and applicable legislation, including work health and safety requirements, when carrying out their respective responsibilities on behalf of the Committee.

Committee members are expected to:

- a) actively participate in Committee discussions and offer their opinions and views
- b) treat all persons with respect
- c) act with integrity and act in the best interests of the community, and
- d) avoid conflicts of interest and the releasing of confidential information.

## 13. REPORTING REQUIREMENTS AND ARRANGEMENTS

The Committee is to provide its approved minutes through the Chair at the next available ordinary Council meeting.

Any other reports required will be on an as needed basis.

Provision of information to the community will occur through Council's Annual Report, Quarterly Reports and other means as appropriate such as Council's social media networks, Council rates newsletter and Council's website.

## 14. CONFLICT OF INTEREST

A Committee member who has a direct or indirect pecuniary interest in any matter before the Committee must disclose the nature of interest to the Committee. The conflict must be recorded in the Minutes.

## 15. CONFIDENTIALITY

Committee members must keep all information marked as confidential secure including taking all reasonable and necessary steps to ensure the security of that information.

## 16. DISPUTE RESOLUTION

If there is a dispute between members of the committee or another party which is unresolved, the Chairperson must notify the CEO. The CEO may nominate an independent person or staff member with appropriate skills to help resolve the dispute.

If the dispute remains unresolved, the matter may be referred to Council to make a decision. The final decision reached is binding on all parties to the dispute.

## 17. INSURANCE

Public liability insurance indemnifies the insured against legal liability resulting from damage to property, loss of use of property and death or bodily injury to members of the general public, where the loss, damage or injury to the property or third party was caused by a negligent act on the part of the insured.

Council is covered by public liability insurance which extends to all Council committees.

## 18. TRAINING AND INDUCTION PROCESS

Training will be provided to committee members where a particular need is identified. As a minimum, the following training will be provided:

- Required training – councillors
  - How to run effective meetings
- Required training – all committee members
  - WHS induction
  - general local government induction
  - understanding the constitution and role of the committee



## 19. REVIEW OF CONSTITUTION

The Committee may make recommendations to Council on the review of the Committee’s responsibilities and this Constitution.

Amendments to this constitution must be approved by Council.

As a minimum timeframe the Constitution is to be reviewed every four (4) years by report to Council.

## 20. ADMINISTRATIVE ARRANGEMENTS

| Table of Amendments |           |  |
|---------------------|-----------|--|
| No.                 | Date      | Brief Details  |
| 1                   | 16 May 23 | Administrative correction - Amend community appointment membership from 'sporting groups' to 'cultural creative' groups. |

| Approval              |                    |
|-----------------------|--------------------|
| COUNCIL APPROVAL DATE | [insert date] 2023 |
| REVIEW                | Every 4 years      |
| RESPONSIBLE POSITION  |                    |
| ECM REFERENCE         |                    |



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ATTACHMENT 5

# Cultural Creative Advisory Committee

## Agenda

Date:

Time:

At:

| Formalities |   |  |
|-------------|---|--|
| 1           | Acknowledgement of Country                |  |
| 2           | Welcome (including welcoming new members) |  |
| 3           | Record of attendees                       |  |
| 4           | Apologies                                 |  |
| 5           | Declaration of conflict of interest       |  |
| 6           | Confirmation of previous meeting minutes  |  |



| Matters arising from the minutes                          |   |  |
|---|---|--|
| 7   | Matter 1  |  |
| 8   | Matter 2  |  |
| General business (including reports from 3Working Groups) |   |  |
| 9   | Matters for decision (recommendations to council on strategy, policy, frameworks, budget submissions): <ul style="list-style-type: none"> <li>▪ Matter 1</li> <li>▪ Matter 2</li> </ul> |  |
| 10  | Matters for discussion (update on issues, minutes or notes from established working groups): <ul style="list-style-type: none"> <li>▪ Matter 1</li> <li>▪ Matter 2</li> </ul>           |  |
| 11  | Matters for noting (correspondence) <ul style="list-style-type: none"> <li>▪ Matter 1</li> <li>▪ Matter 2</li> </ul>  |  |
| Concluding  |   |  |
| 12  | Review agreed actions   |  |
| 13  | Date, time and location of next meeting   |  |
| 14  | Meeting close   |  |



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ATTACHMENT 5

# Cultural Creative Advisory Committee

## Minutes

Date:

Time:

At:

| Formalities |                                  |  |  |
|-------------|----------------------------------|--|--|
| 1           | Attendees                        |  |  |
| 2           | Apologies                        |  |  |
| 3           | Guests                           |  |  |
| 4           | Declared Conflicts of Interest   |  |  |
| 5           | Confirmation of previous minutes |  |  |



| Matters arising from the minutes                         |                         |  |
|--|-------------------------|--|
| 6  | Matter                  | Brief details of agreed action or position |
| 7  | Matter                  | Brief details of agreed action or position |
| General business (including reports from Working Groups) |                         |  |
| 8  | Matter                  | Brief details of agreed action or position |
| 9  | Matter                  | Brief details of agreed action or position |
| Summary of agreed actions                                |                         |  |
| 10   | Matter                  | Action                                     |
| 11   | Matter                  | Action                                     |
| Next meeting   |                         |  |
| 12   | Date, time and location |  |