

# Mornington Peninsula Shire Arts and Culture Advisory Panel



## Terms of Reference

April 2021

### 1. Purpose

The Arts and Culture Advisory Panel (ACAP) is a panel of the Mornington Peninsula Shire Council whose purpose is to advocate, advise and make recommendations to Council on activities, sector changes and impacts to the creative and cultural sector and community.

### 2. Objectives

ACAP will assist in delivering on Council's objectives to create a vibrant, creative and cultural community on the Mornington Peninsula by:

- assisting Council Officers to identify and respond to current and future issues related to arts and culture on the Mornington Peninsula.
- increasing community awareness of the artistic and cultural needs and aspirations of the community.
- advocating for arts and culture, grow the value and promote the benefits across the Mornington Peninsula.

### 3. Role

Members of the ACAP's role is to:

- provide advice to Council on how best to meet the current and future needs of arts and culture on the Mornington Peninsula;
- promote innovative ideas to inform the Shire's planning and provision of services;
- promotes and advocates for improved facilities, programs and services for Council and the wider community.

The Panel acts in an advisory capacity only and has no delegated authority to make decisions on behalf of Council.

### 4. Context

Mornington Peninsula is home to a growing creative community. From the diverse arts and cultural practices of our Aboriginal and Torres Strait Islander peoples, to contemporary music, visual and performing arts, festivals, maker markets and more, our creative and cultural sector provides unique opportunities for celebrating our spectacular natural environment and appreciating our shared and different identities, histories, insights and ideas. As such, it represents a significant asset for locals and visitors alike.

The Arts and Cultural Advisory Panel was established in 2016 and supports the implementation of the following goals of the *Arts & Culture Plan 2024*:

# Mornington Peninsula Shire

## Arts and Culture Advisory Panel



- GOAL 1 AN INSPIRED COMMUNITY
- GOAL 2 UNIQUELY THE PENINSULA
- GOAL 3 IMPROVED MOBILITY AND ACCESS
- GOAL 4 STRONGER CONNECTIONS
- GOAL 5 GROWING OUR CULTURAL ECONOMY
- GOAL 6 ARTS & CULTURE FOR EVERYONE, EVERYDAY

### 5. Membership

The Panel will be comprised of the following:

- Residents of the Mornington Peninsula that are representatives of arts and cultural organisations, creative practitioners, cultural industries, local history organisations and residents. Panel members will be recruited to ensure representation from Aboriginal and Torres Strait Islander, Youth, Community Arts, Performance, Music, Visual Arts and Heritage/History.
- Councillor Representatives.
- Shire officers with relevant expertise to support the objectives of the Panel.
- Guests with specific expertise may also be invited to attend meetings of the ACAP.

#### Recruitment and Selection

The following procedure will be used to select Panel members:

- Notice by way of advertisement calling for expressions of interest will be promoted using platforms such as the Shire's website, local papers, Peninsula Wide magazine, email, social media and disability networks.
- Membership preference will be given to residents with experience in arts and cultural organisations from the Mornington Peninsula Shire, and agency/organisation/group representatives that operate within the Mornington Peninsula Shire.
- Potential members will be assessed by a selection panel which will include a combination of the Chairperson or a nominated Panel member, a Councillor delegate, and a Shire officer.
- Potential members will be short listed and interviewed by the Selection Panel.
- All new/interested members will have an initial trial period of four months. The process of their appointment as a permanent member will be facilitated as full-time membership positions become available.
- If no full membership positions are available, suitable casual members can opt to be put on a membership pool to be considered as positions arise.
- The Chairperson and Vice Chairperson shall be elected from the pool of Panel representatives at the end of each calendar year.

#### Conditions and Responsibilities of Individual Panel Members

- All members must agree to abide by the ACAP Code of Conduct (see Appendix 1).
- While members of the Panel may retain other affiliations, it is intended that they bring a broad community view rather than seeking to represent those associations.

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- A leave of absence may be granted to a member if an extended period of absence is required.
- A position will be deemed vacant if a community representative fails to attend three consecutive meetings without good reason and without notification to the Chairperson or Shire officer; or if a Panel member tenders their resignation.
- Resignations can be made at any time and need to be submitted in writing to the Shire through the Chairperson or Manager Community Activation.

### **Conflict of Interest**

- Panel members must disclose any real or perceived conflict of interest.
- Anyone with a conflict of interest must disclose this at the beginning of the meeting or before the item is to be discussed and may excuse themselves from the meeting during the relevant agenda item.

## **6. Terms of Appointment**

### **Councillors**

Council will appoint Councillor delegates annually. The role of Councillor delegates is to participate in the meetings, listen to community and stakeholder views and keep the Council informed via delegate reports at Council meetings.

### **Casual membership**

All new/interested Panel members will spend an initial four months as a Casual Member of the Panel before applying to become a full member if they so choose. Non-members can also be co-opted to attend meetings by agreement.

### **Full membership**

Community members will be appointed for a period of two years, with the option to apply for re-appointment at the end of this term via the selection process outlined in item 5.

## **7. Panel Procedures**

### **Shire Support**

The Shire, through the Shire Officers, will support the Panel by providing meeting spaces (with suitable access) or online meetings, and will resource administrative operating costs, as needed. This administrative support will be provided by the Shire in the form of:

- Maintaining a membership database
- Enabling the ACAP to provide feedback and advocacy on key areas of the Arts & Culture Plan.
- Taking and sending out minutes, preparing and distributing meeting agendas.
- Providing Officer representation/support at each meeting.

# Mornington Peninsula Shire Arts and Culture Advisory Panel



## **Panel Meetings**

The Panel will meet four times per year unless circumstances require otherwise. Meetings will be held at one of the Shire offices in Mornington, Hastings or Rosebud, or online via video conferencing.

The Panel shall aim to operate on a consensus model of decision making. If consensus can't be reached and a voting process is required, in the event of the votes being tied, the Chairperson shall have a second or casting vote. Quorum for meetings is 6 members (not including Shire Councillors or officers).

The Panel can decide to meet at other times by agreement.

Meeting dates and times will be decided at the first meeting of the year and calendar invitations sent out by Shire Officers.

## **8. Communications**

### **Internal Communication**

A table with Panel members' contact details and will be made available to assist members communicate with individuals and Shire Officers.

Information for the entire Panel and Shire Officers can be broadcast using the Panel's Sharepoint Page. New members will be registered and added to the distribution list and assisted to utilise this system. This system will be managed by the Shire. All ACAP members are registered on the ACAP Sharepoint Page which allows them to share information and send broadcast emails to all members using the email address: [acapteam@mornpen.vic.gov.au](mailto:acapteam@mornpen.vic.gov.au).

A contact list of all members will be produced and updated by the Shire. This list will include Panel members name, address, phone and email details. Panel members must advise the Shire if their contact details change.

### **Communication with Council**

The Panel Chairperson may communicate directly with Council, with a courtesy copy sent to the responsible senior Officer, i.e. the Director of Community Strengthening, and Manager Community Activation.

The Councillor Representative may also be requested by the Panel to convey information to his or her colleagues directly. The Councillor Representatives provide the Panel with information on Council matters and will advise on how best to address matters to Council.

Written correspondence to Councillors or Senior Council Officers arising from the Panel will be directed through the Manager Community Activation.

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Formal responses or submissions to Council reports may be prepared by a Panel member with expertise but must be submitted to Manager Community Activation and be copied to Councillor Delegates.

### **External Communication**

Letters and formal submissions from ACAP must be endorsed by all parties and sent out through the Mornington Peninsula Shire Mayor.

Community members or external organisations can email ACAP using the [acap@mornpen.vic.gov.au](mailto:acap@mornpen.vic.gov.au) email address.

### **Reporting**

A report by the Panel shall be provided with an annual report of the year's activities, including an update on the progress of the Panel and future recommendations for subsequent stages of implementation of the Arts and Culture Plan.

### **Review of the Panel**

The role and function of the Panel will be reviewed periodically by the Director Community Strengthening and Manager Community Activation.

## **9. Dispute Resolution**

Any dispute which arises between the Panel and any other party may be referred to the Mornington Peninsula Shire for mediation or determination.

Any dispute which arises between individual members of the Panel will be resolved by means of the following procedures:

### **Negotiation**

- Direct discussion between the parties involved - with or without the assistance of an agreed third party from the Panel.
- Should a successful outcome not be achieved by negotiation then the parties involved will move on to:

### **Facilitation**

- Direct discussion between the parties involved with an agreed neutral third party acting as facilitator.
- A carer/advocate/aide can accompany the parties if this helps the Member participate fully.
- Should a successful outcome not be achieved by facilitation then the parties involved will move progress to:

## Mediation

- A confidential voluntary negotiation, involving both parties, assisted by an agreed independent third party acting as a mediator who will assist the parties to reach an agreement.

## 10. Intellectual Property

All intellectual property generated by the Panel will become the exclusive property of the Mornington Peninsula Shire.

## 11. Information package

All new Panel members will be provided with an information package consisting of:

- Terms of Reference
- Meeting Schedule
- Relevant Council documents including the Council Plan and Arts and Culture Plan
- Information about Councillors
- Most recent Agendas and Minutes
- Officer contact details

# Mornington Peninsula Shire Arts and Culture Advisory Panel



## Appendix A

### Code of Conduct

Members of the Arts and Culture Advisory Panel (ACAP) otherwise known as the Panel shall observe the highest levels of conduct in undertaking their Panel activities, recognising the Shire values of integrity, openness, courage, respect and excellence.

All members shall conduct Panel affairs / meetings in accordance with this code:

- Act in the best interests of the arts and cultural sector, and not allow personal interests to override these interests.
- Be prepared for meetings.
- Notify Officers when unable to attend meetings or meet deadlines.
- Avoid and / or disclose any real or perceived conflicts of interest.
- Treat all people equally, fairly and with respect.
- Refrain from using any circumstance or information connected to Panel business for personal profit or gain.
- Protect and promote the integrity of creative and cultural Mornington Peninsula community.
- Respect diversity.
- Treat others with courtesy, consideration, and sensitivity.
- Any disagreements, where possible, to be resolved at time of meeting.
- Develop skills and competencies in accordance with responsibilities and help others to do so.
- Communication best practice will be used by members in both terminology and [email etiquette](#).

Each member of ACAP is required to abide by these Terms of Reference and Code of Conduct.