



PUBLIC ARTS and CULTURE ADVISORY COMMITTEE

TERMS OF REFERENCE

October 2021

Port Pirie Regional Council

PUBLIC ARTS and CULTURE ADVISORY COMMITTEE	
Adopted	26 June 2019
Minutes Reference	OM365/21, OM208/19, OM72/16
Next Review Date	2022

CONTENTS

1. Establishment
2. Objectives
3. Membership
4. Presiding Member
5. Operational Matters
6. Notice of Meetings
7. Public Access to Meetings
8. Meeting Procedure

Schedule 1 Committee Membership

Schedule 2 Committee Delegations

Schedule 3 Section 41 Committee Meeting Procedures/Protocols

Schedule 4 Agenda Template

Document No	Version No	Last review	Next review	Page
TOR- 0001	2.0	October 2021	November 2023	Page 2 of 15

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1. ESTABLISHMENT

- 1.1. The Council has established the **PUBLIC ARTS AND CULTURE ADVISORY COMMITTEE** (referred to in these Terms of Reference as "the Committee") pursuant to Section 41 of the *Local Government Act* 1999 ("the Act").
- 1.2. The Committee will be known as the **PUBLIC ARTS AND CULTURE ADVISORY COMMITTEE (PACAC)**.
- 1.3. The Committee is not considered a Standing Committee of Council.
- 1.4. The Committee may be wound up at any time by resolution of the Council.
- 1.5. These Terms of Reference were adopted by Council on 26 June 2019.

2. OBJECTIVES

- 2.1. The Committee is established to fulfil the following functions:
 - 2.1.1 Encourage the inclusion of diverse Art and Culture aspects in Council projects;
 - 2.1.2 Provide advice on matters related to public Art and Culture;
 - 2.1.3 Advocate for an integrated planning and design approach;
 - 2.1.4 Public Art and Culture promotion, consultation and engagement with the community;
 - 2.1.5 Advise Council on a sustainable permanent and temporary art collection.

3. MEMBERSHIP

- 3.1. The Committee will comprise of **Mayor (Ex-Officio)** and **six (6) members** as follows:
 - (a) three (3) Elected Member(s) nominated by the Council;
 - (b) two (2) independent members of the community with appropriate skills appointed by the Council.
- 3.2. The current members of the Committee are listed at Schedule 1 to these Terms of Reference.

Document No	Version No	Last review	Next review	Page
TOR- 0001	2.0	October 2021	November 2023	Page 3 of 15

3. MEMBERSHIP (Cont'd)

- 3.3. Subject to clause 1.4 of these Terms of Reference, membership of the Committee is for the current term of the Council unless a member resigns or is otherwise incapable of continuing as a member or is removed from office by the Council.
- 3.4. The Committee may, by a vote supported by at least three (3) members of the Committee, make a recommendation to the Council to remove a member of the Committee from office where a member has failed (without the leave of the Committee) to attend three consecutive meetings of the Committee.
- 3.5. Members of the Committee are eligible for re-appointment at the expiration of their term of office.
- 3.6. The Committee may be re-established by the Council after each Council periodic election.

4. PRESIDING MEMBER

- 4.1. The Council will appoint the Presiding Member (to be known as the Chairperson) of the Committee.
- 4.2. The Council authorises the Committee to determine if there will be a Deputy Presiding Member (to be known as the Deputy Chairperson) of the Committee and, if so, authorises, the Committee to make the appointment to that position for a term determined by the Committee.
- 4.3. If the Presiding Member of the Committee is absent from a meeting the Deputy Presiding Member (if such position exists) will preside at that meeting. If there is no position of Deputy Presiding Member, or both the Presiding Member and the Deputy Presiding Member of the Committee are absent from a meeting of the Committee, then a member of the Committee chosen from those present will preside at the meeting until the Presiding Member (or Deputy Presiding Member, if relevant) is present.
- 4.4. The role of the Presiding Member includes:
- 4.4.1 overseeing and facilitating the conduct of meetings in accordance with the *Local Government Act* and the *Local Government (Procedures at Meetings) Regulations 2000*;
- 4.4.2 ensuring all Committee members have an opportunity to participate in discussions in an open and encouraging manner; and
- 4.4.3 where a matter has been debated significantly and no new information is being discussed to call the meeting to order and ask for the debate to be finalised and the motion to be put.

Document No	Version No	Last review	Next review	Page
TOR- 0001	2.0	October 2021	November 2023	Page 4 of 15

5. OPERATIONAL MATTERS

- 5.1. The Council has not delegated any of its powers to the Committee. Accordingly, all decisions of the Committee constitute recommendations to the Council;
- 5.2. For the purposes of s41(8) of the Act, the Council's reporting and other accountability requirements are satisfied by the delivery of a copy of the minutes of each meeting of the Committee to each Elected Member of the Council and the inclusion of those minutes in the agenda papers for the next ordinary meeting of the Council;
- 5.3. The Committee shall meet at least four times in every year, generally on a quarterly basis on such dates and at such times as the Committee determines.

6. NOTICE OF MEETINGS

- 6.1 Notice of the meetings of the Committee will be given in accordance with clauses 3 and 4 of the *'Port Pirie Regional Council Section 41 Committees Meeting Procedures Protocol'*, which is attached as Schedule 3.

7. PUBLIC ACCESS TO MEETINGS

- 7.1. The Committee shall meet at the Offices of the Council located at 115 Ellen Street, Port Pirie.
- 7.2. Members of the public are able to attend all meetings of the Committee, unless prohibited by resolution of the Committee under the confidentiality provisions of Section 90 of the Act.

8. MEETING PROCEDURE

- 8.1 The Council has resolved that Part 2 of the *Local Government (Procedures at Meetings) Regulations 2000* does not apply in respect of the Committee. Accordingly, subject to these Terms of Reference, the Committee shall at all times observe the *'Port Pirie Regional Council Section 41 Committees Meeting Procedures Protocol'*, which is attached as Schedule 3.
- 8.2 Insofar as the Act, the Regulations, the *'Port Pirie Regional Council Section 41 Committees Meeting Procedures Protocol'* or these Terms of Reference do not prescribe the procedure to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own procedure.
- 8.3 The format of the agenda for all meetings of the Committee is as set out at Schedule 4 to these Terms of Reference.
- 8.4 The agenda and reports for all meetings of the Committee must be delivered to members of the Committee at least 5 clear days before the meeting.

Document No	Version No	Last review	Next review	Page
TOR- 0001	2.0	October 2021	November 2023	Page 5 of 15

9. MEETING PROCEDURE (Cont'd)

- 8.5 Any decision of the Committee which does not arise from a recommendation of a Council officer must be supported in the minutes of the meeting by clear reasons for the decision.
- 8.6 The Council will provide a support officer for the purposes of co-ordination and preparation of agendas and reports for and minutes of Committee meetings and as a point of contact for all Committee members.

Document No	Version No	Last review	Next review	Page
TOR- 0001	2.0	October 2021	November 2023	Page 6 of 15

SCHEDULE 1

PUBLIC ARTS AND CULTURE ADVISORY COMMITTEE MEMBERSHIP

CHAIRPERSON

Cr Kendall Jackson, Port Pirie Regional Council

OTHER MEMBERS

Cr Ali Gulin, Port Pirie Regional Council

Cr TBA, Port Pirie Regional Council

Deb Tregilgas, Community Representative

TBA, Rural Community Representative

Mayor Leon Stephens (Ex-Officio), Port Pirie Regional Council

Document No	Version No	Last review	Next review	Page
TOR- 0001	2.0	October 2021	November 2023	Page 7 of 15

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SCHEDULE 2

PUBLIC ARTS AND CULTURE ADVISORY COMMITTEE DELEGATIONS

The Council has not delegated any of its powers to the Committee. All decisions of the Committee constitute recommendations to the Council.

Document No	Version No	Last review	Next review	Page
TOR- 0001	2.0	October 2021	November 2023	Page 8 of 15

*Electronic version on Website is the controlled version. Printed copies are considered uncontrolled.
Before using a printed copy, verify that it is the current version. Date printed: 15 November 2021*

SCHEDULE 3
Port Pirie Regional Council
SECTION 41 COMMITTEES
MEETING PROCEDURES PROTOCOL

CONTENTS

1. Introduction
2. Guiding Principles (Regulation 5)
3. Notice of Meetings for Committee Members (Regulation 23)
4. Public Notice of Committee Meetings (Regulation 24)
5. Minutes (Regulation 25)
6. Commencement of Meetings and Quorum (Regulation 26)
7. Voting at Committee Meetings (Regulation 27)
8. Points of Order (Regulation 28)
9. Interruption of Meetings by Committee Members (Regulation 29)
10. Interruption of Meetings by Others (Regulation 30)

Document No	Version No	Last review	Next review	Page
TOR- 0001	2.0	October 2021	November 2023	Page 9 of 15

*Electronic version on Website is the controlled version. Printed copies are considered uncontrolled.
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SCHEDULE 3 - PORT PIRIE REGIONAL COUNCIL SECTION 41 COMMITTEES MEETING PROCEDURES PROTOCOL

1. INTRODUCTION

The Council has resolved that Part 2 of the *Local Government (Procedures at Meetings) Regulations 2000* does not apply in respect of specified section 41 Committees. Rather, this Meeting Procedures Protocol, which is linked to the Terms of Reference of each Committee, provides that the Committee must observe the meeting procedures set out herein. The procedures have been prepared in accordance with the parameters of the *Local Government Act 1999* and the *Local Government (Procedures at Meetings) Regulations 2000*. This document incorporates both legislative requirements and the Committee's determined practices.

Regulation 6 of the *Local Government (Procedures at Meetings) Regulations 2000* ("the Regulations") specifies certain procedures to be undertaken during the operation of Council and Council Committee meetings. Specifically, parts 1, 3 and 4 of the Regulations apply in respect of Council's Committees.

The Section 41 Committee Meeting Procedures Protocol provides guidelines for Committee Members in relation to the conduct of Committee meetings. It is available to the public to assist their understanding of the procedures associated with the operation of Committee meetings. Accordingly, the Meeting Procedures Protocol will be made available for public inspection at the Council's offices during business hours and on the Council's website. A person is entitled, on payment of a fee fixed by the Council, to a copy of the Meeting Procedures Protocol.

2. GUIDING PRINCIPLES (REGULATION 5)

In developing these meeting procedures the Council has, as required by the Regulations, taken into account and embraced the following **Guiding Principles**:

- (a) procedures should be fair and contribute to open, transparent and informed decision-making;
- (b) procedures should encourage appropriate community participation in the affairs of the council;
- (c) procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;
- (d) procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

Document No	Version No	Last review	Next review	Page
TOR- 0001	2.0	October 2021	November 2023	Page 10 of 15

*Electronic version on Website is the controlled version. Printed copies are considered uncontrolled.
Before using a printed copy, verify that it is the current version. Date printed: 15 November 2021*

SCHEDULE 3 - PORT PIRIE REGIONAL COUNCIL SECTION 41 COMMITTEES MEETING PROCEDURES PROTOCOL

3. NOTICE OF MEETINGS FOR COMMITTEE MEMBERS (REGULATION 23)

Pursuant to section 87(15) of the Act, section 87 is modified in its application in relation to meetings of Council Committees as if subsections (4) and (7) to (10) of that section provided as follows:

- (a) that notice of a meeting of the Committee may be given in a form determined by the Committee after taking into account the nature and purpose of the Committee; and
- (b) that notice need not be given for each meeting separately; and
- (c) that if ordinary meetings of the Committee have a set agenda then notice of such a meeting need not contain, or be accompanied by, the agenda for the meeting; and
- (d) that it is not necessary for the Chief Executive Officer to ensure that each member of the Committee at the time that notice of a meeting is given is supplied with a copy of any documents or reports that are to be considered at the meeting.

Having regard to the above provisions, it has been determined that:

- (e) separate notices for each Committee meeting will be forwarded to Committee Members not less than 3 clear days (including weekends and public holidays) prior to the date of the meeting.
- (f) all notices of meetings will be accompanied by an agenda and associated documents and reports.

4. PUBLIC NOTICE OF COMMITTEE MEETINGS (REGULATION 24)

Pursuant to section 88(7) of the Act, section 88 is modified in its application in relation to the Council's Committee as if subsections (2), (3) and (4) provided as follows:

- (a) that public notice need not be given for each meeting separately; and
- (b) that public notice may be given by displaying a notice and agenda in a place or places determined by the chief executive officer after taking into account the nature and purpose of the committee.

Having regard to the above provisions, it has been determined that:

- (c) separate notices for each Committee meeting will be displayed as per Clause 3(a) above;
- (d) all notices of meeting will be accompanied by an agenda and associated documents and reports.

Document No	Version No	Last review	Next review	Page
TOR- 0001	2.0	October 2021	November 2023	Page 11 of 15

*Electronic version on Website is the controlled version. Printed copies are considered uncontrolled.
Before using a printed copy, verify that it is the current version. Date printed: 15 November 2021*

SCHEDULE 3 - PORT PIRIE REGIONAL COUNCIL SECTION 41 COMMITTEES MEETING PROCEDURES PROTOCOL

5. MINUTES (REGULATION 25)

- (a) The minutes of the proceedings of a Committee meeting must include-
 - (i) the names of the Committee Members present at the meeting; and
 - (ii) each motion carried at the meeting; and
 - (iii) any disclosure of interest made by a Committee Member; and
 - (iv) details of the making of a confidentiality order to exclude the public from a Committee meeting under subsection (2) of section 90 of the Act; and
 - (v) a note of the making of a confidentiality order in respect of the documents considered by the Committee under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section; and
 - (vi) a summary of discussions held by the Committee together with the resolution passed.
- (b) The minutes of the proceedings at a Committee meeting must be submitted for confirmation at the next meeting of that Committee.

6. COMMENCEMENT OF MEETINGS AND QUORUM (REGULATION 26)

- (a) A quorum shall be **three (3) members**.
- (b) A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.
- (c) If at the expiration of 30 minutes from the from the time specified in the notice of meeting as the time of commencement a quorum is not present, the Presiding Member or, in the absence of the Presiding Member, any other Committee Member, can adjourn the meeting to a specified day and time.
- (d) If a meeting is adjourned for want of a quorum, the record in the minutes will state the reason for the adjournment, the names of any Committee Members present, and the date and time to which the meeting is adjourned.

7. VOTING AT COMMITTEE MEETINGS (REGULATION 27)

- (a) Subject to the Act and these regulations, a question arising for decision at a meeting of the Committee will be decided by a majority of the votes cast by the Committee Members present at the meeting and entitled to vote on the question.
- (b) The Presiding Member of the Committee has a deliberative vote on a question arising for decision at the meeting but does not, in the event of an equality of votes, have a casting vote.
- (c) In the event that a quorum cannot be attained when dealing with a matter due to the Elected Member representative having a conflict of interest, the matter is to be referred to the Council's Administrator for decision.
- (d) All Committee Members present at a meeting must vote on a matter arising for discussion at the meeting.

Document No	Version No	Last review	Next review	Page
TOR- 0001	2.0	October 2021	November 2023	Page 12 of 15

*Electronic version on Website is the controlled version. Printed copies are considered uncontrolled.
Before using a printed copy, verify that it is the current version. Date printed: 15 November 2021*

SCHEDULE 3 - PORT PIRIE REGIONAL COUNCIL SECTION 41 COMMITTEES MEETING PROCEDURES PROTOCOL

8. POINTS OF ORDER (REGULATION 28)

- (a) The Presiding Member may call to order a Committee Member who is in breach of the Act or Regulations.
- (b) A Committee Member may draw to the attention of the Presiding Member a breach of the Act or Regulations, and must state briefly the nature of the alleged breach.
- (c) A point of order takes precedence over all other business until determined.
- (d) The Presiding Member will rule on a point of order.
- (e) If an objection is taken to the ruling of the Presiding Member, a motion that the ruling not be agreed with must be moved immediately.
- (f) The Presiding Member is entitled to make a statement in support of the ruling before a motion under 9(e) is put.
- (g) A resolution under 9(e) binds the meeting and, if a ruling is not agreed with-
 - (i) the ruling has no effect; and
 - (ii) the point of order is annulled.

9. INTERRUPTION OF MEETINGS BY COMMITTEE MEMBERS (REGULATION 29)

- (a) A member of a Council Committee must not, while at a meeting-
 - (i) behave in an improper or disorderly manner; or
 - (ii) cause an interruption or interrupt another Committee Member who is speaking.
- (b) 10(a) (i) does not apply to a Committee Member who is-
 - (i) objecting to words used by a Committee Member who is speaking; or
 - (ii) calling attention to a point of order; or
 - (iii) calling attention to want of a quorum.
- (c) If the Presiding Member considers that a Committee Member may have acted in contravention of 10(a), the Committee Member must be allowed to make a personal explanation.
- (d) Subject to complying with 10(a), the relevant Committee Member must leave the meeting while the matter is considered by the meeting.
- (e) If the remaining Committee Members resolve that a contravention of Clause 10(a) has occurred, those members may, by resolution-
 - (i) censure the Committee Member; or
 - (ii) suspend the Committee Member for a part, or for the remainder, of the meeting.
- (f) A Committee Member who-
 - (i) refuses to leave a meeting in contravention of 10(d); or
 - (ii) enters a meeting in contravention of a suspension under 10(e) (ii), is guilty of an offence, the maximum penalty being \$1,250

Document No	Version No	Last review	Next review	Page
TOR- 0001	2.0	October 2021	November 2023	Page 13 of 15

*Electronic version on Website is the controlled version. Printed copies are considered uncontrolled.
Before using a printed copy, verify that it is the current version. Date printed: 15 November 2021*

SCHEDULE 3 - PORT PIRIE REGIONAL COUNCIL SECTION 41 COMMITTEES MEETING PROCEDURES PROTOCOL

10. INTERRUPTION OF MEETINGS BY OTHERS (REGULATION 30)

A member of the public who is present at a meeting of a Council Committee must not-

- (a) behave in a disorderly manner; or
- (b) cause an interruption.

Maximum penalty: \$500

References:

Local Government Act 1999 (South Australia)

Local Government (Procedures at Meetings) Regulations 2000(South Australia)

Document No	Version No	Last review	Next review	Page
TOR- 0001	2.0	October 2021	November 2023	Page 14 of 15

*Electronic version on Website is the controlled version. Printed copies are considered uncontrolled.
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SCHEDULE 4

PUBLIC ARTS AND CULTURE ADVISORY COMMITTEE

AGENDA TEMPLATE

Acknowledgement of Country

1. Present
2. Apologies
3. Confirmation of Minutes (last meeting)
4. Business Arising from Minutes
5. Declaration of Interests
6. Correspondence
7. Reports
8. General Business
9. Next Meeting
10. Closure

Document No	Version No	Last review	Next review	Page
TOR- 0001	2.0	October 2021	November 2023	Page 15 of 15

*Electronic version on Website is the controlled version. Printed copies are considered uncontrolled.
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