



# Terms of Reference Arts, Culture and Heritage Advisory Committee (ACH)



Shire of  
Serpentine  
Jarrahdale

[sjshire.wa.gov.au](http://sjshire.wa.gov.au)

connect  
with us



Ordinary Council Meeting 26 March 2018



## Table of Contents

<b>1.</b>	<b>Name</b> .....	3
<b>2.</b>	<b>District / Area of Control</b> .....	3
<b>3.</b>	<b>Vision / Purpose</b> .....	3
<b>4.</b>	<b>Statue</b> .....	3
<b>5.</b>	<b>Establishment</b> .....	3
<b>6.</b>	<b>Objectives</b> .....	3
<b>7.</b>	<b>Membership</b> .....	4
	7.1 General .....	4
	7.2 Tenure of Membership .....	4
<b>8.</b>	<b>Delegated Authority</b> .....	4
<b>9.</b>	<b>Committee</b> .....	4
	9.1 Chairperson .....	4
	9.2 Secretariat .....	4
	9.3 Standing Ex-Officio Members .....	5
<b>10.</b>	<b>Meetings</b> .....	5
	10.1 Annual General Meeting .....	5
	10.2 Committee Meetings .....	5
	10.3 Quorum .....	5
	10.4 Voting .....	5
	10.5 Minutes of Meetings .....	6
	10.6 Who Acts if No Presiding Member .....	6
	10.7 Members Interests to be Disclosed .....	6
	<b>Approval and Amendment History</b> .....	9



**1. Name**

The name of the Committee is the **Arts, Culture & Heritage Advisory Committee (ACH)**.

**2. District / Area of Control**

Local Government boundaries of the Shire of Serpentine Jarrahdale.

**3. Vision / Purpose**

To provide advice to Council on matters of Arts, Culture and Heritage.

**4. Statute**

*Shire of Serpentine Jarrahdale Standing Orders Local Law 2002 (as amended)*

Various legislative instruments may apply including but not limited to:

- *Heritage of Western Australia Act 1990*
- *Aboriginal Heritage Act 1972*
- *Museum Act 1969*
- *Copyright Act 1968*
- *Copyright Amendment (Moral Rights) Act 2000*

**5. Establishment**

Established by Council Resolution on 27 November 2017 OCM155/11/17.

**6. Objectives**

To develop a Shire of Serpentine Jarrahdale Public Art Policy and to make recommendations to Council relating to its implementation.

To develop a Shire of Serpentine Jarrahdale Local Heritage Strategy.

To develop a Style Guide for signage.

To liaise with stakeholders on matters relating to Arts, Heritage and Culture.

Provide input and advice regarding the allocation of funds for arts, culture and heritage activities for the Shire's annual budget process.



## **7. Membership**

### **7.1 General**

Council will appoint two elected members as Delegates and one elected member as Deputy to the Committee.

### **7.2 Tenure of Membership**

Where a person is appointed as a member of the Arts, Culture and Heritage Committee the person's membership of the Committee continues until:

- The person no longer holds office by virtue of which the person became a member.
- The person resigns from membership of the Committee.
- The Committee is disbanded.
- The Council removes the person from the Committee by resolution of Council.
- For elected member Delegates, the next ordinary elections day

Officers may be appointed and removed from the Committee by the Director/s of the functional area responsible for the Committee.

## **8. Delegated Authority**

The Committee does not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility and does not have any delegated financial responsibility. Unless provision has been made in the Budget for expenditure, Committees require an officer report to be presented to Council for endorsement of any proposed expenditure.

## **9. Committee**

### **9.1 Chairperson**

The Chairperson and Deputy Chairperson to be elected by the Committee members. The Chairperson is \_\_\_\_\_ and the Deputy Chairperson is \_\_\_\_\_.

The role of Chairperson and Deputy Chairperson are to be vacated following biannual Council elections in October and re-elected from the Committee membership.

### **9.2 Secretariat**

This role is to be fulfilled by a Shire Officer from the Community Development Directorate.



### 9.3 Standing Ex-Officio Members

Deputy Chief Executive Officer/Director Community, Director Infrastructure Services, Manager Community Development or their delegate(s) will be standing ex-officio members. Other officers or community members may be invited to attend meetings as required and to be determined by the Chief Executive Officer.

## 10. Meetings

### 10.1 Annual General Meeting

N/A

### 10.2 Committee Meetings

The Chief Executive Officer will call meetings every three months and as required. Committee meetings will be advertised as per statutory requirements.

### 10.3 Quorum

Five members including one elected member delegate.

### 10.4 Voting

Voting shall be by consensus or by a show of hands as directed by the Chairperson. If voting is enacted it will follow principles of S5.21 of the Local Government Act 1995.

#### **Local Government Act 1995**

##### *S 5.21 - Voting*

- (1) *Each council member and each member of a committee who is present at a meeting of the council or committee is entitled to one vote.*
- (2) *Subject to section 5.67, each council member and each member of a committee to which a local government power or duty has been delegated who is present at a meeting of the council or committee is to vote.*
- (3) *If the votes of members present at a council or a committee meeting are equally divided, the person presiding is to cast a second vote.*
- (4) *If a member of a council or a committee specifically requests that there be recorded —*
  - (a) *his or her vote; or*



- (b) *the vote of all members present, on a matter voted on at a meeting of the council or the committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.*

#### 10.5 Minutes of Meetings

The person presiding is to ensure that Minutes of the Meeting are kept of the meetings proceedings.

The Meeting Minutes may be confirmed by a majority of members present at the meeting in writing via email, after the completion of the meeting. Once Meeting Minutes have been confirmed by members they are to be posted on the Shire's website.

Recommendations requiring Council action arising from the Meeting Minutes shall be presented to Council at the next Ordinary Council Meeting or earliest available Council meeting if it is not possible to present the Minutes to the next Ordinary Council Meeting.

#### 10.6 Who Acts if No Presiding Member

If, in relation to the presiding member of the Committee;

- (a) the office of presiding member and the office of deputy presiding member are vacant; or
- (b) the presiding member and the deputy presiding member, if any, are not available or are unable or unwilling to perform the functions of presiding member, then the Committee members present at the meeting are to choose one of themselves to preside at the meeting.

#### 10.7 Members Interests to be Disclosed

Members of the Arts, Culture & Heritage Committee are required to declare their financial interests and complete a Declaration form where relevant, using the principles detailed in the *Local Government Act 1995* Section 5.65-5.70 with respect to disclosure of financial, impartiality or proximity interests ('CEO' in the LGA text means the 'Chairperson' in the committee sense).

##### *5.65. Members' interests in matters to be discussed at meetings to be disclosed*

- (1) *A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest —*

- (a) *in a written notice given to the CEO before the meeting; or*



(b) *at the meeting immediately before the matter is discussed.*

*Penalty: \$10 000 or imprisonment for 2 years.*

(2) *It is a defence to a prosecution under this section if the member proves that he or she did not know —*

(a) *that he or she had an interest in the matter; or*

(b) *that the matter in which he or she had an interest would be discussed at the meeting.*

(3) *This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).*

#### *5.9. Types of committees*

(1) *In this section — “other person” means a person who is not a council member or an employee.*

(2) *A committee is to comprise —*

(f) *other persons only.*

#### *5.66. Meeting to be informed of disclosures*

*If a member has disclosed an interest in a written notice given to the CEO before a meeting then —*

(a) *before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and*

(b) *at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before the matters to which the disclosure relates are discussed.*

*[Section 5.66 amended by No. 1 of 1998 s. 16; No. 64 of 1998 s. 33.]*

#### *5.67. Disclosing members not to participate in meetings*

*A member who makes a disclosure under section 5.65 must not —*

(a) *preside at the part of the meeting relating to the matter; or*

(b) *participate in, or be present during, any discussion or decision making procedure relating to the matter, unless, and to the extent that, the disclosing member is allowed to do so under section 5.68 or 5.69.*

*Penalty: \$10 000 or imprisonment for 2 years.*



- 5.68. *Councils and committees may allow members disclosing interests to participate etc. in meetings*
- (1) *If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter —*
    - (a) *may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and*
    - (b) *may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if —*
      - (i) *the disclosing member also discloses the extent of the interest; and*
      - (ii) *those members decide that the interest —*
        - (I) *is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or*
        - (II) *is common to a significant number of electors or ratepayers.*
  - (2) *A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.*
  - (3) *This section does not prevent the disclosing member from discussing, or participating in the decision making process on, the question of whether an application should be made to the Minister under section 5.69.*
- 5.70. *Employees to disclose interests relating to advice or reports*
- (1) *In this section —*

*employee includes a person who, under a contract for services with the local government, provides advice or a report on a matter.*
  - (2) *An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.*
  - (3) *An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest.*





*Penalty: \$10 000 or imprisonment for 2 years.*

*5.71. Employees to disclose interests relating to delegated functions*

*If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —*

- (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and*
- (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.*

*Penalty: \$10 000 or imprisonment for 2 years.*

#### **Approval and Amendment History**

<b>Reviewed/Modified</b>	<b>Reference</b>	<b>Date</b>	<b>Comment</b>	<b>Reviewed By</b>
Adopted	OCM155/11/17	27/11/2017	Ordinary Council Meeting	
Reviewed				
Reviewed				