INNER WEST

Arts and Culture Local Democracy Group Terms of Reference

V2

IWC0202/0922

1 Scope

The Inner West community has a strong desire for participation in Council's decision-making. Council recognises that local knowledge, ideas and input from the community are essential to ensure Council's decisions and actions improve community wellbeing and long-term sustainability. Council's Community Engagement Strategy guides how Council engages with the community.

Local Democracy Groups (LDG) are part of Council's Community Engagement Strategy. They consist of community members with subject matter expertise or lived experience, who are selected by an Expression of Interest process to provide input to support Council's decision–making and actions. LDGs do not have delegation or decision-making powers, and membership is on a voluntary basis.

2 Definitions

In these terms of reference, the following terms have the following meanings:

Councillor	Inner West Council elected representative.
Council officer	Inner West Council members of staff (including full-time, part-time, casual and contracted staff).
Council official	Councillors, Council officers and delegates of Council.
Delegated officer	A Delegated Officer is an officer delegated by the Council to undertake and/or manage specific functions on behalf of Council in relation to certain activities. The Delegated Officers in relation to Council's LDG activities are delegated authority to manage any complaints or concerns regarding the conduct of any Chairperson, LDG member, Convenor or Council Official or an alleged breach of the LDG Terms of Reference. The General Manager and Senior Manager Governance and Risk are delegated officers in relation to all Local Democracy Groups.
LDG member	A person other than a Councillor or Council officer who is a member of a Council Local Democracy Group.
LDG	Local Democracy Group

LGA	The Inner West local government area.

3 Establishment and duration

Council convenes LDGs to provide input about specific areas relating to Council business or to enhance community wellbeing. LDGS are established by a resolution of Council. LDGs provide ongoing input throughout the term of Council unless otherwise resolved.

Type of input	Term	Conclusion
i. Ongoing	Aligned to the term of the current Council*	At the end of the current Council's term*
ii. Time-limited	As specified by the Council resolution	As specified by the Council resolution

*unless otherwise resolved by Council

Following a Local Government election, at its second meeting the new Council receives a report and:

- resolves to establish LDGs for its term; and
- determines the councillor representatives on the selection panel.

A recruitment and selection process commences after the Council resolution to establish the LDGs (see Selection section for detail).

Council resolved on 22 October 2024 to establish the Arts and Culture LDG for the current term of Council being September 2024-2028 (C1024(2) Item 3).

4 Purpose Statement

The purpose of the Arts and Culture LDG is to:

- Contribute to achieving community outcomes as set out in the Inner West Community Strategic Plan and implementation of Council's four-year Delivery Program

- Provide input into development and implementation of Inner West policies, strategic plans and/or programs as related to arts and culture as requested.
- Serve as a resource for Council in relation to matters which Council resolves to bring before the LDG for input.
- Provide input into the development and implementation of the Cultural Strategy.

The Arts and Culture LDG may also:

- Be asked to provide input to inform Council's response to regional, State or Federal policies, strategic plans and/or programs as related to arts and culture
- Be invited to participate in specific Council consultations.

5 Access and inclusion statement

Council is committed to an inclusive approach in its LDGs. Diversity, equity and accessibility is at the core of our approach to community engagement. A variety of perspectives helps generate better ideas and outcomes for the whole community.

Council specifically encourages people from Aboriginal and Torres Strait Islander communities to apply to join its LDGs.

6 Model Code of Conduct

Council's Model Code of Conduct applies to all Council officials and Council LDG members.

Failure by a Council official or Council LDG member to comply with the standards of conduct prescribed under the Model Code of Conduct may constitute misconduct and could result in suspension or removal from the LDG.

Failure by a member of staff to comply with Council's Model Code of Conduct may also give rise to disciplinary action.

Council has zero tolerance for aggressive, humiliating, bullying, intimidatory or violent behaviour towards Council officials or Council LDG members.

Respect is one of our core values and Council officials and LDG members are required to:

- Treat everyone equitably and fairly
- Embrace diversity
- Acknowledge and value the needs of community members

- Actively listen, and seek to understand each other's point of view
- Value feedback and respond constructively

7 Timing of meetings

The Arts and Culture LDG will:

- Meet a minimum of four times annually, with dates determined at the start of each calendar year and provided to Council's Governance team via support.councillors@innerwest.nsw.gov.au for inclusion in the councillor events calendar
- Additional meetings can be scheduled if determined by a majority of LDG members or if required by Council.

LDG meeting dates, times and venues are posted on Council's website.

Meetings that are in-person must also allow for hybrid attendance (in-person and online) to provide flexibility and convenience for members.

8 Selection

Following the Council resolution to establish an LDG, Council staff undertake an Expression of Interest (EOI) process to recruit members. The EOI process is promoted in Council's digital and print channels and applications are open for 28 days.

LDG applications are assessed by staff, and members are selected by a recruitment panel comprising a Council official (the relevant Director or their delegate) and up to three Councillors (determined by Council resolution when the LDG is created).

LDGs comprise up to 10 members (ideally at least one from each ward) and the selection process aims to achieve membership that is broadly representative across wards, age range and gender.

Should applications exceed places, an eligibility list will be established. Should vacancies arise throughout the term, such as by resignation of a member, new members will be recruited in the first instance from the eligibility list, with the approval of the relevant Director. In the second instance, if required, an annual recruitment drive and selection process will be undertaken concurrently for all LDGs requiring new members, as outlined above.

9 Membership

The Arts and Culture LDG consists of:

LDG members

1. Anne-Marie McGinty
2. Jan Preston
3. Kat Farrugia
4. Mark Williamson
5. Melinda Vassallo
6. Rhiannon Hopley
7. Sophie Groom
8. Timothy Stackpool
9. Vulindlela Mkwananzi

Council officers

- Ruth Callaghan – Director Community
- Elise Aspeling – Cultural Planning & Policy Leader

Delegated officers

- Peter Gainsford - General Manager
- Julian Sakarai – Senior Manager Governance and Risk

10 Roles

Convenor

One or more Council officers will be appointed as Convenors of the LDG, by the relevant Council Director. The Convenor will develop meeting agendas in consultation with LDG members, attend meetings, take minutes, advise LDG members about Council policy where relevant, prepare updates for six-monthly progress reports to Council, and communicate outcomes of decisions back to members.

Chairperson

LDG members appoint a Chairperson at their first meeting via a vote. If two or more candidates receive the same number of votes, the Chairperson is to be the candidate who is chosen by a lot. The Convenor arranges for the names of the candidates who have equal numbers of votes to be written on similar slips. The slips must then be folded and mixed, with one then drawn. The candidate whose name is on the drawn

slip is the candidate who is to be the Chairperson. If the elected Chairperson is absent, members will elect a Chairperson for that meeting. If a Chairperson resigns the Committee will need to appoint a new Chairperson in the same manner.

LDG members

LDG members contribute through subject matter expertise or lived experience. Members are required to attend meetings and actively participate in discussion.

If an LDG member is absent from three consecutive meetings without reasonable grounds and agreed prior notification to the Chairperson or Convenor, their membership will lapse and they will be notified by email or letter.

Any member may, by giving notice in writing addressed to the Chairperson or Convenor, resign their LDG membership.

Membership lapses or resignations are recorded in the minutes of the relevant meeting and the Membership section of the Terms of Reference updated accordingly.

Councillors

Councillors are encouraged to attend LDG meetings. If attending, Councillors should accept the invitation in the Outlook Councillor Events calendar.

However, Councillors must not propose new business or vote at a LDG meeting as these forums are for community representation and as elected officials, Councillors may be required to make formal decisions at a meeting of Council on matters on which input has been received from an LDG.

Council staff

Staff from across Council may attend from time to time to present and/or consult the LDG on relevant matters.

External Participants

External participants such as subject matter experts may be invited to a LDG meeting if prior approval from the applicable Director is obtained.

Delegated Officers

A Delegated Officer is an officer delegated by the Council to undertake and/or manage specific functions on behalf of Council in relation to certain activities.

The Delegated Officers in relation to Council's LDG activities have delegated authority to manage any complaints or concerns regarding the conduct of any Chairperson, LDG member, Convenor or Council Official or an alleged breach of the LDG Terms of Reference.

11 Meeting principles

Meeting Conduct

Council Officials and LDG members shall respect the views and opinions of each other, allowing for one person to speak at a time and participate in the meeting with decorum. The Chairperson will facilitate the meeting to ensure the meeting keeps to the agenda allowing for all agenda items to be considered.

When the Chairperson rises or speaks during a meeting:

- Any member then speaking or seeking to speak must cease speaking.
- Every member present must be silent to enable the Chairperson to be heard without interruption.

Council officials and LDG members may not be asked to leave a LDG meeting unless an Act of Disorder has been committed and the Chairperson or Convenor has expelled the Council official or LDG member from the meeting.

Council officials do not have authority to direct an LDG member unless the direction relates to upholding the requirements of the LDG Terms of Reference (ToR). LDG members do not have authority to direct Council officials unless they are the Chairperson of the LDG and the direction is in accordance with the LDG ToR.

Acts of Disorder

A Council official or LDG member commits an Act of Disorder if they:

a. contravene the Local Government Act, the Regulation or LDG Terms of Reference
b. assault or threaten to assault a Council Official or LDG member
c. provide input that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the LDG
d. insults, or makes unfavourable personal remarks about, or imputes improper motives to any other Council official or LDG member
e. or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or the LDG into disrepute.

Where a Council official or LDG member commits an act of disorder, the Chairperson in conjunction with the Convenor, reserves the right to expel any person from the

meeting. Acts of Disorder (which result in a Council official or LDG member being expelled from a meeting) will be recorded in the minutes of the relevant meeting.

Conflicts of interest

All LDG members are required to disclose conflicts of interest in accordance with the Conflict of Interest Policy. All LDG Members are required to undertake an initial Disclosure of Interests upon commencement as a LDG Member and annually thereafter. Any new Conflict of Interest that arises must be disclosed as soon as practicable and no more than one month after becoming aware of the new interest. Refer to Schedule 3 Disclosure of Interest form.

Voting Process

Input will be determined by general consensus of LDG members in attendance. If consensus cannot be reached, a vote will be called by the Chairperson and the outcome will be determined by a majority of members present at that meeting.

LDG members cannot vote on behalf of other members.

If the situation occurs where there is a tied vote the Chairperson will have the casting vote.

12 Agendas

Convenors prepare and circulate agendas to all members of the LDG one week prior to the meeting. The agenda must be prepared using the template contained in Schedule 1. The Convenor also uploads the agenda to the Council website and provides a copy to Council's Governance staff for distribution to councillors via the Outlook invitation, one week prior to the meeting.

If a LDG is deliberating on a significant matter, documents may be provided to members with additional notice.

Council may resolve to refer items to the LDG for input as required.

13 Meeting minutes

LDGs are to keep accurate minutes of their meetings, in accordance with the template contained in Schedule 2.

Each agenda item will have a brief discussion summary recorded against it and item outcome/action as required. Minutes will not include verbatim or detailed discussion, reflecting contemporary minute-taking practise.

The minutes of a LDG meeting will be confirmed out-of-session via email circulated by the Convenor and approved unanimously by all LDG members in attendance for that meeting at which time they will be published on Council's website by the LDG Convenor within 10 business days of approval.

14 Media

The Mayor and the General Manager are the designated media spokespeople for Council in accordance with Council's Media Policy. LDG members may speak to the media about their own views but must not purport to represent Council.

15 Reporting and transparency

Council receives a six-monthly progress report on all LDGs based on meeting minutes.

Should Council resolve to request input from LDGs required outside the six-monthly progress report timeline, Convenors will prepare a separate report, in conjunction with the relevant Director, to be presented at a Council meeting.

Convenors will monitor the progress of input to Council and report the outcomes back to the LDG.

16 Maintaining the Integrity of the Arts and Culture LDG

Training

In order to ensure Council Officials, Convenor, Chairpersons and LDG Members can participate in LDGs in the most effective way, training is available on the following:

1. Understanding the Terms of Reference for the Arts and Culture LDG
2. Model Code of Conduct
3. Conflicts of Interest
4. Effective Chairing
5. Effective Participation

Training for the above is not mandatory, however can be organised upon request to the Convenor of the Arts and Culture LDG. All Council Officials, Chairpersons and LDG members are still required to uphold the requirements of the Terms of Reference, Model Code of Conduct and Conflicts of Interest Policy, as provided as part of the Induction pack, regardless of undertaking the above mentioned available training.

Communication

The Chairperson will liaise directly with the appointed Convenor of the LDG regarding LDG matters, in the first instance.

LDG members should liaise directly with the Chairperson regarding LDG matters, which as required can be escalated by the Chairperson to the Convenor.

If a Council Official, Chairperson or LDG member has concerns regarding the conduct of the Chairperson, LDG member, Convenor or Council Official then they must contact a Delegated Officer to discuss the matter.

Complaints or Concerns

Complaints alleging a breach of the Arts and Culture LDG Terms of Reference by the Chairperson, Council Official or LDG member must be made to a Delegated Officer.

Concerns in relation to the conduct of the Chairperson, Council Official or LDG member must be made to a Delegated Officer.

17 Breaches of this Terms of Reference

Breaches of this Terms of Reference may result in an investigation of the alleged breach in line with relevant Council policies including the Model Code of Conduct.

Any alleged criminal offence or allegation of corrupt conduct will be referred to the relevant external agency.

18 Administrative Changes

From time-to-time circumstances may change, leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made including branding, Council Officer titles or department changes and legislative name or title changes which are considered minor in nature and not required to be formally endorsed.

19 Version Control – LDG Terms of Reference History

This LDG Terms of Reference will be formally reviewed each Council term or as required.

Governance use only:

Document	**Local Democracy Group Terms of Reference**	***Uncontrolled Copy When Printed***	
Custodian	Senior Manager Governance and Risk and Corporate Strategy and Engagement Manager	Version #	Version 2

Approved By	TBC	ECM Document #	TBC
Next Review Date	TBC		

Amended by	Changes made	Date Adopted
Corporate Strategy and Engagement	Development of Terms of Reference	18 September 2022
Governance & Risk	Redeveloped to bolster Governance mechanisms	TBC

Schedule 1 – Template Meeting Agenda

Event:	[Insert name of LDG] meeting	
Date:		
Time:		
Location:		
Running Order:	**Time**	**Items for Discussion**
	[Insert]	Acknowledgement of Country
	[Insert]	Introductions, apologies and membership changes
	[Insert]	Confirmation of previous minutes and actions
	[Insert]	[Insert rows for agenda items as required]
	[Insert]	General Business
	[Insert]	Meeting close
Next Meeting	[Insert]	

Distribution of agenda:

Agendas are to be distributed seven days prior to meeting by:

- Emailing members.
- Uploading to the Inner West Council website.
- Emailing engagement@innerwest.nsw.gov.au and support.councillors@innerwest.nsw.gov.au

Schedule 2 – Template Meeting Minutes

[Insert name of LDG]

[Insert date of meeting]

[Insert address of meeting]

Meeting commenced at [Insert time] and concluded at [Insert time].

Attendees

Community members	Council officers	Councillors

Chairperson

Acknowledgement of Country

Apologies and membership changes

Disclosures of conflicts of interest

Endorse previous meeting minutes

Discussion Items

Agenda Item	Discussion summary	Agenda item outcome/action (as required)

Next meeting

Schedule 3 – Disclosure of Interest Form

CONFLICT OF INTEREST DISCLOSURE

COUNCIL, COMMITTEE MEETINGS, ADVISORY AND THE LIKE

(Meetings of Council)

What is a Conflict of Interest?

A conflict of interest exists if a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty. When considering whether or not you have a conflict of interest, it is always important to think about how others would view your situation. You must disclose an interest promptly, fully and in writing.

Pecuniary Interest

This is an interest that you have in a matter because of a reasonable likelihood of financial gain or loss to you, or to another person with whom you are associated. This would include your spouse, de facto partner, relative or another significant person or body with whom you share interests such as another employer or company you or someone close to you are a shareholder of. (Section 442(1) Local Government Act).

Non-Pecuniary

A Non-pecuniary conflict of interest is a conflict between a Councillor's private interest in a matter being considered by the Council and his or her interest as a council official. If a Councillor has a non-pecuniary conflict of interest that conflicts with their public duty, they must fully disclose their interest. Should a Councillor be in doubt about a possible non-pecuniary conflict of interest they should seek legal advice. The political views of a Councillor do not constitute a private interest.

Significant Non-Pecuniary

As a general rule, non-pecuniary conflicts of interest will be significant where a matter does not raise a pecuniary interest, but it involves (for example: a friendship, family relationship, business relationships, membership of an association or affiliation with a sporting body, club, corporation or association, society or trade union that is particularly strong). Councillors who have a significant non-pecuniary interest in any matter that is considered at a meeting of Council must declare the interest and not participate in the discussion of or voting on the matter.

INNER WEST

Declared By: | **Date of Meeting:**

Name of Meeting:

Please note the report/subject title:

Signature: _____

☐ **SIGNIFICANT: I declare a significant pecuniary conflict of interest in this item because (nature of interest)**

☐ **SIGNIFICANT: I declare a significant non-pecuniary conflict of interest in this item because (nature of interest).**

☐ **NON-SIGNIFICANT: I declare non-significant non-pecuniary conflict of interest in this item because (nature of interest).**

☐ **I will exit the chamber for this item, OR**

☐ **I will remain in the chamber for this item as the conflict is such that it will not influence me in carrying out my public duty (Non-Significant, Non-Pecuniary ONLY)**