

# Creative Industries Ministerial Advisory Council

## Terms of Reference

### Role

The Creative Industries are those areas of enterprise that connect culture and creativity with social and economic outcomes primarily through wealth and job creation and the generation of intellectual property.

The Creative Industries Ministerial Advisory Council (the Council) provides expert advice and feedback to the Minister for Arts and Culture and Heritage through the Chair via the Chief Executive Officer (CEO) of the Department of Territory Families, Housing and Communities (TFHC) on matters related to the development and growth of the Northern Territory (NT) creative industries.

### Responsibilities

Representing the creative industries and responsible to the NT Government, the Council will

- provide advice on the establishment of a new independent industry representative group, to be led by industry in partnership with TFHC;
- advocate for and promote the development and growth of the NT creative industries;
- provide strategic advice on business innovation and economic sustainability in support of the NT creative industries within the national landscape;
- monitor the delivery of the Creative Industries Strategy NT 2020-2024;
- recommend specific and measurable performance targets by which to evaluate the success of the Creative Industries Strategy;
- provide advice during the review of any creative industries related funding guidelines across government;
- identify and provide advice on professional development needs, and participate in the design of an annual program of professional development options for the creative industries;
- work to develop effective networks across business, tourism, government and the general community, for the sustainable commercial benefit of the NT creative industries locally, nationally and internationally; and
- provide strategic advice to government on relevant policy matters, as needed.

## Membership

### Members

The Council will consist of up to seven members identified as actively practicing industry leaders such as professional artists, producers, business managers and independent company leaders across a range of art forms:

- four from the NT creative industries representing one each from the following practices
  - a) Music
  - b) Performing Arts
  - c) Visual Arts
  - d) Literature
- one from the NT business sector; and
- up to two from the non-NT creative industries.\*

\*Up to two creative industries representatives from outside the NT may be appointed to add skills and experience that will benefit the Council in meeting its responsibilities.

The Minister will appoint a Chairperson from the Council's NT-based members. The Council members will appoint a Deputy Chairperson.

### Term of membership

Members will be appointed for an initial term of two years.

### Chair

The Council Chairperson must preside at all meetings at which they are present. If the Chairperson is not present at a meeting, the Deputy Chairperson will preside. If the Deputy Chairperson is not present, members must elect another member present to preside.

The Chairperson leads the activities of the Council, and sets direction in conjunction with TFHC. In keeping with the Northern Territory Government Boards Handbook, responsibilities specific to the Council Chairperson include:

- contributing to the preparation of an agenda ahead of each Council meeting;
- facilitating the flow of information and discussion during and between meetings;
- conducting Council meetings and other business;
- ensuring that the Council operates effectively;
- liaising with and reporting to the Minister on behalf of the Council through the CEO of TFHC;
- assisting with the induction of, and supporting new Council members; and
- working with the CEO of TFHC to oversee and review the performance of the Council.

## Resignation

Should a Council member resign during the term of their appointment, the Chairperson may request to the Minister, through the CEO of TFHC, that a replacement member be appointed. The appointment, if approved, shall be for the remainder of the term of the member who resigned.

## Procedures

### Meeting schedule

The Council will meet at least four times per year with additional meetings on an as-needs basis at the discretion of the Chairperson and the CEO of TFHC. One meeting will be held face to face each year in each of Darwin and Alice Springs, with other meetings held either via teleconference or videoconference. The Council may also conduct its business through out-of-session business papers. TFHC attendance and other NT Government representatives may attend each Council meeting in an ex-officio capacity in order to ensure that the NT Government's commitment to strengthening and growing the local industry is supported.

### Quorum

A quorum for a Council meeting is constituted by one half of the current members, plus one member. If a member is required to remove themselves from deliberations of Council due a personal interest, the remaining members constitute a quorum for the purpose of any deliberation at that meeting for that matter only.

Attendance and participation by proxy is not permitted.

### Resolutions

A resolution of the Council within a meeting will be determined by the majority vote of the members present at a meeting. The Chairperson has a deliberative and casting vote.

The Council may also pass a resolution without a meeting being held if all the members entitled to vote on the resolution sign a document (or reply to an email) containing their vote. The Council Secretary must keep a record of resolutions passed in accordance with this process.

### Attendance by Observers

The Chairperson may invite relevant persons to interact with Council at its meeting as an observer. This may include that the observer:

- be provided with some, or all, Council papers on the day of, or prior to, a Council meeting; and
- where considered appropriate by the Chairperson, participates in all or part of the discussions of Council including responding to questions.

The Chairperson must not permit the observer to seek amendments to any Council papers, vote at the meeting or influence the deliberations of the Council.

### Secretariat support

TFHC will provide secretariat support for Council, including:

- organising meetings (arranging venues, refreshments and notifying members);
- formalising agendas in consultation with the Chairperson;
- distributing agendas and supporting documents to members;
- recording meeting minutes and retaining appropriate records of Council's activities; and
- arranging travel if required for Council members to attend meetings.

The secretariat function is also relied upon to follow correct procedures and to advise Council on public sector regulations and meeting protocols.

Members may be required, from time to time, to prepare meeting papers seeking Council's consideration.

## Reporting

Meeting outcomes and advice will be provided to the Minister through the Chairperson via CEO of TFHC after each meeting.

The Minister may call for other formal reports from the Chairperson on specific matters from time to time.

## Remuneration

### Sitting fees

Members will be entitled to be paid sitting fees, which are established under the *NT Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act 2014*, in line with the Council's classification as a non-statutory body Class C3: Advisory and Review Bodies/Ministerial assistance.

Sitting fees are currently \$304 per day (Chairperson) and \$228 per day (members).

Members will be entitled to be paid superannuation for each month where the total sitting fees earned reach the \$450 Superannuation Guarantee Levy monthly threshold.

### Hourly work

The Minister may request the Council to undertake work on particular projects, such as the preparation of a report into a specific policy matter or initiative, outside its regular meeting schedule. In this event, members will be entitled to be paid at an amount equal to 1/5 of the daily rate for each hour spent conducting the business of the Council on such projects.

### Travel entitlements

Members are entitled to be reimbursed for economy class airfares, accommodation, travel allowance and reasonable related expenses according to the General Remuneration Determination, when they are required to travel from their usual place of residence to attend Council meetings or conduct the business of the Council.

## Code of conduct

Members must abide by the laws of the Northern Territory, applicable common law (i.e. the laws established by the Courts) and accepted principles of good governance. Members must adhere to the Northern Territory Government Boards Handbook which supports the work of all NTG Boards and Committees. As a result of their position of trust, Council members' actions and standards of behaviour are required to be exemplary. Members should act bona fide in the interests of the Council, the NT, and the community, and not in their own interest or to pursue personal agendas.

As outlined in the NTG Board Handbook, members have an obligation to:

- Act honestly and to exercise powers for their proper purposes;
- Avoid conflicts of interest;
- Act in good faith; and
- Exercise diligence, care and skill.

Members must take reasonable steps to ensure they are well briefed about the business of the Council in order to provide informed advice to government on matters within the Council's scope of activities. Members are responsible collectively for positions taken with regard to Council's advice to government and should support and adhere to those positions once finalised.

Members can exercise a dissenting view on particular positions adopted by the Council which should be appropriately minuted by the secretariat. However, once a Council position is taken regarding advice to government on matters within the scope of Council's activities, all members are expected to respect and adhere to that position.

Members are expected to observe the following standards when dealing with Council-related matters:

- a) Members should avoid any situation in which the private interests of themselves or of their immediate family, whether pecuniary or otherwise, conflict or might reasonably be thought to conflict with their Council duty.
- b) Members should not use information obtained in the course of official duties to directly or indirectly gain a pecuniary or other advantage for themselves or for any other person.
- c) Members should not solicit or accept from any person any remuneration or benefit for the discharge of information not available to the public.
- d) Members should not solicit or accept any benefit, advantage or promise of further advantage, whether for themselves, their immediate family or any business concern or trust with which they are associated from persons who are in, or seek to be in, any contractual or special relationship with government.
- e) Members must take care to maintain the integrity and security of documents or information provided to them as members of the Council. This includes protecting the integrity of electronic documents on mobile devices and laptops.

## Confidentiality

All deliberations, advice given to government, and activities of Council are confidential unless expressly stated otherwise by the Chairperson or their delegate.

Members must take care to maintain the integrity and security of documents or information provided to them as members of the CIAC. This includes protecting the integrity of electronic documents on mobile devices and laptops.

## **Conflict of interest**

Members should avoid actual, potential or perceived conflicts between their duties to the CIAC and their personal interests or their duties to others. Members have a responsibility to make prior declarations of interest through the completion of a Declaration of Personal Interests form.

At each meeting the Chairperson will seek declarations of interests from all members present. If a member has a personal interest in a matter being considered, they must disclose it. Disclosure of personal interests must be recorded in the minutes of the meeting.

If a member has a personal interest in a matter that requires disclosure they must absent themselves from the meeting for the duration of discussion regarding the relevant agenda item and not take part in any deliberation regarding the matter.

## **Evaluating Performance**

Good governance requires the performance of the Council to be evaluated at least annually. Whilst the Minister is responsible for the appointment of members, it is incumbent upon the Chairperson to assess the performance and conduct of the Council.

## **Terms of Reference Approval and Changes**

A periodic review of the Terms of Reference should be undertaken by the CIAC, in collaboration with the TFHC. The Minister has authority to approve and change the Terms of Reference.