



Art Acquisition Reference Group

Terms of Reference
Version 2, 2025





City of Port Phillip

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Governance

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Council Contact: Art Activation Officer

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1. Purpose

The purpose of the Art Acquisition Reference Group is to assist Council by providing recommendations, advice and feedback in relation to Council's visual art acquisitions.

The Art Acquisition Reference Group will act as a reference group on behalf of Council and the Port Phillip community. The Art Acquisition Reference Group will:

- utilise their professional knowledge of the arts community and the Port Phillip City Collection to identify and recommend artworks for acquisition.
- provide advice according to the Port Phillip City Collection Policy criteria for the allocation of the annual art acquisition budget including purchases, commissions and donations;
- provide advice according to the Port Phillip City Collection Policy criteria for commissions or public art acquisition including visual art commissions outside of the annual acquisition budget;
- provide advice according to the Port Phillip City Collection Policy criteria for public art acquisition;
- delegate a representative from the Committee to participate in artist selection and concept development processes in new public art commissions
- provide advice on the de-accessioning of artworks in the Port Phillip City Collection, adhering to policy criteria.
- provide advice on policy development and planning and best practice trends in the visual arts;
- Advise art acquisitions according to the Port Phillip City Collection art acquisition criteria and principles.

The final determination will be made by General Manager, Community Services & Culture, who will take the Committee's recommendations into consideration where practicable. These recommendations are based on the following criteria:

- A connection with the City of Port Phillip
- Valid and verifiable provenance and legal title
- The ability to enhance the collection and be displayed and maintained as required

2. Objectives

The Art Acquisition Reference Group is intended to provide informed recommendations, advice, and feedback to Council on visual art acquisitions, ensuring decisions reflect diverse community

interests and values. The committee aims to foster inclusive, consultative processes by engaging members with passion for the arts, broad perspectives, and relevant skills, creating a forum for robust discussion and contributing to the cultural growth of the City of Port Phillip.

3. Composition

The Advisory Group shall comprise:

- Up to 1 Councillor (optional)
- Up to 3 Council officers, including:
 - Art Activations Officer
 - Coordinator Visual Art & Activations
 - Collection Management and Access Officer
- Up to 5 community representatives:

Up to two (2) practising artists who either live or work in the City of Port Phillip;

Up to three (3) art curators/ gallery directors/ collection managers or visual art academics, external to the organisation;

Additional Council staff from across the organisation will be involved in the Group as required to ensure a whole-of-organisation approach.

The Group will be convened for an initial term of 3 years (aligned with the end of the Council term).

Group members may resign at any time. Notice of resignation is to be provided in writing to Council staff representatives and the Chair.

The Group may determine to remove a member who has failed to attend four meetings without having submitted an apology OR has failed to attend 75% of meetings over the course of a year, even if an apology is provided.

3.1 Role and selection of Councillor/s

Councillor appointments to reference groups is optional. Instead, Reference Groups will have a nominated Councillor sponsor, by resolution, at the beginning of each Council term. By default, Councillors should remain as the Councillor sponsor for the entirety of the term unless Council resolves to reassign appointments throughout the term.

The role of Councillors is to participate in the meetings and listen to stakeholder and community views (as relevant) and act as the spokesperson for the group if there is a requirement to report back to Council.

3.2 Role and selection of Council officer/s

The *Visual Art and Activations* department/service unit will be responsible for this Reference Group.

Council Officers will provide administrative support and advice to the Group. Officers will be nominated by the relevant General Manager as required to provide advice and administrative support to the Group.

3.3 Role and selection of external members

Eligible external community representatives will have an interest in and good working knowledge of:

- The local arts community, including artists, galleries, and the art market.
- The Port Phillip City Collection and its cultural significance.
- Visual art acquisition processes, including purchases, commissions, and donations.
- Public art commissioning and concept development processes.
- Collection management principles, including de-accessioning and conservation.
- Best practice trends in visual arts policy, planning, and cultural development
- Art valuation, provenance verification, and legal title considerations.
- Community engagement in arts and culture initiatives.

The approach and method for appointing external representatives will include the following:

- Recruitment of Reference Group members will be via a public Expression of Interest process (EOI) Where possible, recruitment should support intersectionality by looking to include members with a diverse range of:
 - Age
 - Cultural identity
 - Disability status
 - Gender
 - Geographic location (from across the municipality)
 - Religion
 - Sexual orientation
 - Socio-economic background (education, employment, family makeup and housing status)
- Representatives from organisations based in Port Phillip or serving the Port Phillip community should also be considered during the recruitment process.
- Community members will be recommended by a panel comprising of Visual Art and Activation Council Officers and other Council Officers who will assess applicants against selection criteria outlined in the expression of interest process as well as diversity principles.
- Consideration will be given to diversity of membership to promote inclusive representation across various sections of the community, gender balance, and where possible, diversity of ages, backgrounds, social identities and lived experience.

Group members will be selected based on their relevant skills and experience as outlined in section 3.3

- Casual vacancies which occur due to external members being unable to complete the full term of their appointments may be filled by co-opting suitable candidates from a previous selection process for the remainder of the previous incumbents' terms.
- In the event that any Reference Group seeks to appoint Group members who are under the age of 18, all Group members must hold a valid volunteer Working With Children Check.

External community representatives unable to attend a Group meeting are not able to nominate a proxy.

3.4 Role and selection of the Chairperson and Deputy Chairperson

- The Council officer responsible for the Reference Group must facilitate the election of the Chair and Deputy Chair
- At the first meeting of the Reference Group, the Council officer will invite nominations for the Chair and Deputy Chair positions
- Voting must be carried out by show of hands with a simple majority of votes for each position.
- In the event the Chair is not present at the commencement of the meeting, the Deputy Chair will assume the responsibility for chairing that meeting. If the Chair and Deputy Chair are both not present for the commencement of the meeting the most senior Council officer will assume the responsibilities of the chair.
- The positions are to be agreed to by all members and will be for a term of 12 months. The Chair and Deputy Chair positions shall be reviewed annually

4. Group Operation

New groups will be briefed by the relevant department manager or delegate on the expected range of work to be undertaken, including discussion of how the group relates to the work of Council, the roles of all parties, and any relevant policy or legislative framework impacting the work.

The Group is to always operate in accordance with this Terms of Reference. The Group has no delegated powers but may provide advice in line with the Terms of Reference. Neither the Group, nor its members, may speak on behalf of Council.

If the group wishes to make a submission, for advocacy purposes, on behalf of Council the respective Councillor Delegate will be required to table the submission, approved by the Group Chair, at a Council meeting. If the group wishes to make an independent submission, they must clearly state that the submission is not an endorsed position of City of Port Phillip Council and cannot use Council letterhead or logo on any submission documentation.

The Group may develop its own meeting protocols and operating practices to deal with any matters in an efficient, effective and collaborative manner.

Groups may establish sub-groups, as they see fit, to achieve better overall outcomes, and must submit any agendas and minute documents back to the respective parent Reference Group. Any sub-groups that are established will not receive Council officer support and will be the responsibility of that sub-group to operate.

Meetings

5.1 Meeting schedule

Meetings will be held quarterly and an annual schedule of meetings will be agreed upon at the first meeting of the Advisory Group. Meetings may be held online or in person, or a combination of both.

Additional meetings may be scheduled from time to time as needed. Meetings will be conducted in accordance with the Port Phillip Advisory Committee Governance Rules.

5.2 Meeting procedure

Meetings will follow standard meeting procedure protocols, which are in summary:

- Commence on time and conclude by the stated completion time
- Be scheduled and confirmed in advance with all relevant papers distributed (as appropriate) to each member
- Encourage fair and reasonable discussion, participation and respect for each other's views
- Focus on the relevant issues at hand; and
- Provide advice to Council as far as possible on a consensus basis.

5.3 Voting and quorum

While any recommendations should generally be developed through consensus, there may be times when voting is required to settle on a position relating to a particular recommendation. When this occurs, the differing opinions and votes for and against should be clearly expressed in the minutes of the meeting. All members shall have full and equal voting rights unless a member is unable to vote due to a conflict of interest.

A quorum of any meeting will be at least two independent members (which may include the Chairperson) If more than 50 percent of active group members are absent, the Chair or Deputy Chair may elect to reschedule the meeting or conduct the meeting with present members, recording absences in the minutes.

5.4 Agendas and minutes

Compiling the agenda for a meeting of a Reference Group will be undertaken by the Council officers providing administrative support to that Group, with final approval of the agenda by the Chairperson of that Group.

- Any member of the Group may submit an item for inclusion on the agenda of a Group meeting through the Council officer providing administrative support to the Group.
- The item must be submitted in writing (in hard copy or e-mail), at least 5 business days prior to the date of the scheduled meeting.
- Advisory Group agendas and supporting documents will be circulated to all Group members 5 business days prior to the date of the scheduled meeting.

Minutes of the meetings will be taken by a Council officer. The draft minutes must be:

- Submitted to the Chairperson for confirmation within 10 working days of the meeting;
- Distributed to all Group members following confirmation from the Chair

The minutes must:

- Contain details of the proceedings and recommendations made
 - Be clearly expressed
 - Be self-explanatory
 - Incorporate relevant reports or a summary of the relevant reports considered by the group; and
 - Be provided to group members as soon as practicable after the meeting.
- Minutes of Reference Group meetings can be tabled at any Council Meeting during agenda item 'Reports by Councillor delegates'

The minutes will be endorsed by the Reference Group at the subsequent meeting or by email in the event the minutes are to be tabled at a Council meeting prior to the next scheduled Reference Group meeting.

5.5 Public attendance at meetings

The Reference Group is not required to give public notice of its meetings and its meetings are not open to the public. The Group may invite observers to meetings from time to time. This is at the discretion of the Chairperson. Guests may also be invited to attend and participate at meetings; this would generally be for a specific purpose and/or specified period of time. This is at the discretion of the Chair.

5. Budget and Remuneration

The Reference Group has no budgetary allocation from Council (this includes budget for the payment of fees for external members or presenters). Any budgetary allocation is at the absolute discretion of the relevant General Manager who is responsible for the Reference Group.

No remuneration will be paid to Group members. Councillors appointed to Reference Groups are entitled to claim expenses in line with the Councillor Expenses and Support Policy.

6. Conduct of Members

Councillors' Code of Conduct and Employee Code of Conduct applies to respective Councillor and Council Staff Committee members. The conflict of interest and confidentiality provisions in the Local Government Act 2020 apply to all members.

In performing the role of Reference Group member, a person must:

- Act with integrity
- Impartially exercise their responsibilities in the interests of the local community
- Not improperly seek to confer an advantage or disadvantage on any person
- Treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other persons
- Commit to regular attendance at meetings; and
- Not make improper use of information acquired because of their position or release information that the member knows, or should reasonably know, is confidential information

7.1 Conflicts of Interest

Councillors and Council officers are required to disclose conflicts of interest in accordance with Part 6, Division 2 of the Local Government Act 2020 (Vic) and Chapter 5 of the Governance Rules. Where an external community member has a conflict of interest or perceived conflict of interest in relation to a matter before the committee, the community member must disclose the matter to the group before the matter is considered or discussed. The external community member must then leave the meeting until the matter is dealt with. Disclosure must include the nature of the interest and be recorded in the meeting minutes.

7. Committee Administration

8.1 Reporting to Council

Officers supporting reference groups are encouraged to submit Counsellor Notes to make Councillors aware of any group activities or highlights. Reference Groups may also invite their nominated Councillor sponsor to a group meeting to present on a particular topic, or to report back to council.

8.2 Committee lifecycle

- A review of each of Council's Reference Groups will take place at the start of each new Council term to determine its relevance for the proceeding four-years.
- Councillors will be appointed to as Councillor Delegates
- Where Council determines to appoint a Councillor Delegate to a group annually, that group will have, in effect, be endorsed to continue operating.
- Council may resolve to dis-establish a group at any time if it is deemed to no longer have a relevant function.

8.3 Administrative updates

From time to time, circumstances may change leading to the need for minor administrative changes to this Terms of Reference. Where an update does not materially alter this Terms of Reference, such a change may be made administratively. Examples of minor administrative changes include changes to names of departments or a Council Officer's position title. Where any change or update may materially change the intent of this Terms of Reference, it must be considered by Council.