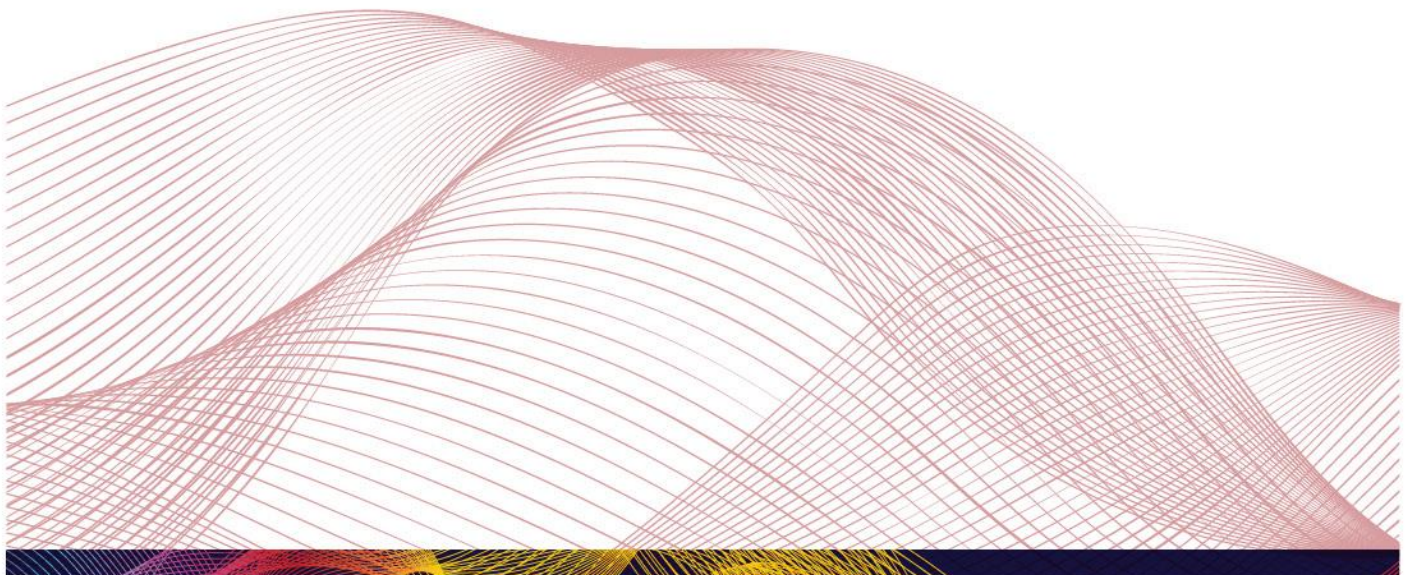


First Nations Arts and
Cultures Panel

Terms of Reference

2021





Acknowledgement

The Queensland Government acknowledges the Country and people of Queensland's First Nations. We pay our respect to Elders, past, present and emerging. We acknowledge the continuous living cultures of First Nations Queenslanders – their diverse languages, customs and traditions, knowledges and systems.

We acknowledge the deep relationship, connection and responsibility to land, sea and sky Country as an integral element of First Nations identity and culture. This Country is sacred. Everything on the land has meaning and all people are one with it.

We acknowledge First Nations peoples' sacred connection as central to culture and being. First Nations people speak to Country, listen to Country, sing up Country, dance up Country, understand Country and long for Country.

We acknowledge and thank First Nations people for the enduring relationship connecting people, Country and ancestors – an unbreakable bond that safely stewarded and protected the land, waters and sky for thousands of generations.

The First Nations Arts and Cultures Panel supports the Queensland Government and also wish to pay our respects to the Elders who have maintained cultural connectivity and leadership upon these lands for thousands of generations and identify the commitment of First Nations' peoples to the Arts and Culture of Queensland.

We also acknowledge the cultural authority of other Traditional Custodians and the responsibility they hold upon their traditional homelands.

1. Overview


First Nations arts is built on thousands of years of practice.

Aboriginal and Torres Strait Islanders are recognised nationally and internationally for their arts and cultures. Fairs and festivals attract audiences from all over the world and the network of Indigenous Art Centres and Indigenous Knowledge Centres, influenced by the country, languages, stories and experiences of local artists, provide perspectives that cannot be found anywhere else.

The First Nations Arts and Cultural Panel (the Panel) has been established to strengthen the voices of Aboriginal and Torres Strait Islander peoples in the future of arts, culture and creativity, with a focus on meaningful representation and engagement.

Arts Queensland is leading the implementation of *Creative Together 2020-2030: A 10-Year Roadmap for arts, culture and creativity in Queensland*.

The establishment of the Panel is central to enabling the delivery of this 10-year vision by supporting the Minister to ensure First Nations arts continues to be an economic driver to the State's economy.



The Panel will also support the priorities of *Creative Together* to:

- grow awareness and understanding of the significant contributions of First Nations arts in cultural maintenance, economic empowerment and participation, community connectedness, truth telling and wellbeing
- create pathways to ensure First Nations practitioners are employed in arts, culture and creativity at all levels
- grow strong and sustainable creative businesses owned and led by First Nations people
- ensure Queensland is internationally known for its ethical distribution of First Nations arts
- develop engagement protocols for Queensland’s arts sector to work respectfully and productively with First Nations peoples.

The purpose of this document, to be known as The First Nations Arts and Cultures Panel Terms of Reference (TOR), has been approved by Deputy-Director General of Arts Queensland.

This TOR outlines the roles, responsibilities, composition and operating guidelines of the Panel in accordance with the requirements of Arts Queensland.

2. Role

The Panel will play a significant role in advising Arts Queensland on the necessary actions to realise these priorities by:


- informing the development of programs and strategies, and identify opportunities that build sustainable and ethical Aboriginal and Torres Strait Islander arts industries;
- reviewing data to evaluate the success of programs and policies
- providing appropriate cultural advice on recommendations for Arts Queensland initiatives;
- developing and providing feedback on existing arts and cultural strategies and programs that support or include First Nations activities; including the appropriateness of Arts Queensland investment systems and processes; and
- supporting and informing the assessment of dedicate First Nations funding programs where required.
- reviewing current First Nations arts funding programs particularly assessing the cultural appropriateness of assessors.

The Panel is directly responsible to the Deputy Director-General (DDG), Arts Queensland. Advice provided by the Panel will be considered by Arts Queensland in the context of alignment with Government objectives for the community and *Creative Together* and within the parameters of Arts Queensland’s mandate.

3. Guiding principles

Advancing and protecting the rights of Indigenous peoples of United Nations countries is the core of the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP). Guidance on how to advance reconciliation between Indigenous and non-Indigenous people is fundamental to supporting and establishing Treaty in Queensland.

The Panel will support a path to treaty by strengthening the way to greater reconciliation, self-determination, and a more inclusive and respectful shared future in line with Tracks to Treaty.



The Panel is established with the following key guiding principles which will ensure cultural obligations are fulfilled and First Nations people are championed:

- Recognition
- Self-determination
- Respect
- Local decision making
- Shared commitment, responsibility and accountability
- Empowerment
- Free prior and informed consent
- Strengths based approach
- Truth telling and healing
- Cultural sovereignty
- Cultural integrity
- Equity.

4. Membership of the Panel

The Panel comprises nine members, including a chair. The members were selected by a First People panel following an expression of interest process. Panel members can elect to appoint a co-chair, to be selected by the Panel and endorsed by the DDG, Arts Queensland.

Panel members will be engaged for a one year term from the first meeting of the Panel, renewable at the end of the term by mutual agreement.

Panel members hold decades of collective knowledge and experience as practicing artists, programmers, educators, lawyers and academics, and as leaders in arts, community, heritage, education, tourism, business and government across Queensland.

They bring firsthand experience of the needs, issues and interests to sustain and grow Queensland's First Nations arts.

5. Authority and Independence

The Panel has no executive powers. The Panel is directly responsible to the Deputy Director-General, Arts Queensland.

In discharging its responsibilities the Panel has a right to a prompt response and the authority to:


- Request data
- Ask for research to be undertaken
- Ask to be provided with presentations on relevant topics.

The role of the Panel, and the names of its members, should be published on the Arts Queensland website.

Reporting Requirements

Panel deliberations will be reported to the Director-General (DG), Department of Communities, Housing and Digital Economies through the DDG, Arts Queensland.

A public meeting communique will be prepared and published following each meeting and published on the Arts Queensland website.



Following each meeting, the Chair will verbally brief the Minister directly on outcomes and actions underway.

Code of Conduct

Panel members are bound by the Code-of-Conduct for the Queensland Public Service (the Code). For the purposes of the Code, employees (other than judicial officials) are defined as:

- any Queensland public service agency employee whether permanent temporary, full-time, part-time or casual
- any volunteer, student, contractor, consultant or anyone who works in any other capacity for a Queensland public service agency.

Confidentiality

Panel members are privy to discussions on the basis of confidentiality. There must be no disclosure of the nature or content of those discussions outside of the Panel's membership.

Members (in their capacity as members of the Panel) should not communicate with the media on the business of Panel or the nature of any advice made by Panel, unless authorised by Arts Queensland.

Conflicts of Interest

At commencement of each meeting, each panel member will provide written declarations, through the Chair, to Arts Queensland declaring any material personal interests they may have in relation to their responsibilities.

Should panel members identify that they have an actual, perceived or potential, direct or indirect pecuniary interest in a matter being considered, or about to be considered shall, as soon as the relevant facts have come to their knowledge, disclose verbally and in writing the nature of the interest to the Arts Queensland. The Panel member must immediately withdraw from providing advice on any proposal if they have an actual conflict of interest and return all relevant documentation to the Panel Secretariat.

Panel members must not enter into any communication with an artist or organisation regarding any panel considerations. Additional conflict of interest information is available in the Code-of-Conduct for the Queensland Public Service.

Compliance and Revocation


Panel members providing independent advisory services must comply with the conditions set out in their signed Letter of Agreement and must comply with the Panel Terms of Reference as outlined. A member may resign by signed notice given to the DDG, Department of Communities, Housing and Digital Economies.

6. Meetings

Panel meetings will be Chaired by the nominated Co-Chairs appointed as per 4 above.

The Panel will meet monthly for the first six months and thereafter, at least four times per year in addition to supporting panel assessments for dedicated First Nations funding applications, where relevant.

Arts Queensland may call extra meetings, up to a total of an additional three meetings per year, to discuss specific matters as required to facilitate a consensus decision to be reached.



Sub-committees will be established where specialist knowledge and skills are required.

Any further consultation undertaken with the Panel or individual members (if required) will be determined by Arts Queensland.

The Panel may invite guests to attend meetings to provide information to the Panel.

Recommendations of the Panel are to be developed by consensus. Where there is not consensus, a vote will be held and members can abstain and abstentions will be recorded.

The quorum is a majority of panel members.

Meeting Fees and Reimbursements

Members will be contracted by Letter of Agreement and remunerated in accordance with the signed procurement contract.

Members will be reimbursed for out of pocket expenses and standard government meeting fees as per Queensland Government Policy. Government employed members of the Advisory Panel are not entitled to meeting fees. Non-Government employees will be reimbursed for out of pocket expenses and standard government meeting fees as per Queensland Government Policy, and will be issued with a Letter of Agreement by Arts Queensland regarding such fees.

No remuneration will be paid for Panel Members' attendance at performances, openings and similar events.

7. Evaluation of Panel Activities

The Panel will undertake a self-assessment of its performance every 12-months, with a report of annual outcomes to be provided to the DG, Department of Communities, Housing and Digital Economies through the DDG, Arts Queensland.

Arts Queensland will also provide quarterly reports to the Panel on its implementation of actions that deliver on *Creative Together's* priorities, with a focus on Elevate First Nations arts.

8. Secretariat

Secretariat support will be provided by Arts Queensland. Secretariat support will include:

- co-ordination of meeting arrangements (venue, travel arrangements etc.);
- preparing and distributing agendas and meeting papers;
- where appropriate, contribute to the panel's work by providing policy, research or engagement advice;
- preparing and distributing approved communiques, meeting notes, records of decisions, reports and other information as required; and
- record keeping processes in accordance with the *Public Records Act 2002*.

9. Review of Terms of Reference

The Terms of Reference will be reviewed on an annual basis to ensure it remains consistent with the Panel authority, objectives and responsibilities.

Amendments to the Terms of Reference must be approved by the DDG, Arts Queensland.