



Peers Handbook

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1. INTRODUCTION

1.1 Foreword

This handbook provides information on the role of peers at the Australia Council.

1.2 Definitions

- Advisory Bodies:** Committees and panels established by the governing council of the Australia Council.
- Board:** Boards are established by the Federal Minister for the Arts. The boards make decisions on applications and provide advice to council on the development of artform policy.
- Board member:** Board members are peers appointed to a board by the Minister for the Arts.
- Committee:** Committees are established by the council. Some committees may make decisions whilst others have a purely advisory role.
- Committee member:** Committee members are peers appointed to a committee by the council.
- External assessor:** An external assessor is a peer drawn from the Register of Peers to provide an assessment of one of more applications, performances or required support material. Assessments are made outside of a board, committee or panel meeting.
- Panel:** Advisory assessment panels are established by staff to provide access to a peer assessment process. They make recommendations to senior officers at the Australia Council.
- Peer:** The term 'peer' covers members of council, boards, committees, assessment panels and members of the Register of Peers. The council has defined as a peer "Anyone who, by virtue of their knowledge or experience, is equipped to make a fair and informed assessment of artistic work and grant applications".
- Participating adviser:** A participating adviser is a peer drawn from the Register of Peers to participate in a board, committee or panel meeting. (Note: you have to be a peer to be a participating adviser but not all peers are participating advisers. Participating advisers are those people who come along to board/committee meetings to provide expert advice.)
- Register of Peers** The Register of Peers is a database of names, contact details and areas of expertise of all those people who have expressed an interest (through completion of a registration form) in assisting the Australia Council as a peer.

1.3 Purpose of the Register of Peers

The purpose of the Register is to:

- involve more peers in the assessment of grant applications
- involve peers in the development of artform policy
- provide the Australia Council with a more flexible system of assessment
- assist staff to select assessors who are experts in their artform for the assessment of specific applications.

The Register of Peers aims to represent all Australians in terms of geographical location, age, gender and ethnic background. Australia Council staff actively recruit peers in those areas where the register does not reflect current demographic trends or specific artform and genre expertise.

1.4 How the register works

The Register of Peers contains the names of *all* those who submit a completed registration form and fit within the council's definition of a peer. In addition, when the boards require expertise that is not available on the register, we may draw on the knowledge of staff, board members and industry bodies to identify people with this expertise. The peers that we recruit in this manner will be expected to join the register.

Peers who have acted as participating advisers or external assessors at the Australia Council remain indefinitely on the register. After three years peers are sent a letter asking if they wish to remain on the register and, if so, to update their details. The names of peers who are not selected for use will be removed from the database after six years.

Peers may serve as participating advisers at a grant assessment meeting only once per board or committee within a year. Boards and committees may also use peers 'in the field'; that is, other than in grant assessment meetings. There is no limit to the number of times a peer may be used 'in the field'.

Peers may go on to serve on a board or committee after being on the register.

1.5 Benefits of being on the Register of Peers

Benefits to peers from serving on the register include the opportunity to:

- participate in the Australia Council's activities
- gain a greater understanding of the Australia Council's grant assessment process
- provide input into the Australia Council's artform policy formulation
- contribute to the development of the Australia Council's practices and procedures.

Peers may choose to keep in touch with the Australia Council's activities through the web site www.australiacouncil.gov.au. Peers are invited to attend when public meetings or functions are held within their region.

1.6 Registering interest in membership of a board and committee

The *Australia Council Act 1975* (the Act) requires that the boards advertise and keep lists of people who are interested in being appointed as members of the council's boards. The

council draws on these lists when making recommendations to the Federal Minister for the Arts on filling board vacancies.

The council also draws on this list when selecting peers for membership of committees.

Nominating peers should use the same online registration form to record that they are interested in joining a board and committee and/or to record that they wish to join the Register of Peers.

If you have not done so already and would like to register your interest in being nominated for board or committee membership visit our website at www.australiacouncil.gov.au or email mail@australiacouncil.gov.au or call 02 9215 9000 or toll free 1800 226 912.

2. ABOUT THE AUSTRALIA COUNCIL

2.1 Our Vision

The Australia Council is the Australian Government's arts funding and advisory body. The Australia Council's vision is to enrich our nation by supporting the practice and enjoyment of the arts. We support Australia's arts via funding, strengthening and developing the arts sector. Our mission is to:

- enable Australia's arts and its artists to pursue excellence
- preserve, maintain and develop the distinctive features of Australia's culture
- ensure all Australians have the opportunity to engage with the arts and enjoy a rich cultural life
- shape a future in which the arts play a meaningful and vital role in the everyday lives of Australians and their communities.

2.2 Our Values

Our values are:

- collaboration
- respect
- integrity
- service
- diversity
- leadership.

2.3 Our Strategic Priorities

The focus of our current business plan is a set of five strategic priorities:

1. Artists' careers.
2. Audience access and participation in the arts.
3. Business and philanthropic involvement in the arts.
4. Increased support for the arts.
5. Arts content for the digital era.

2.4 Our Strategies and Policies

The Australia Council has a number of strategies and policies to guide its work. It also produces plans, policies and policy submissions that are of interest to the wider arts

sector. The Australia Council's [cultural engagement framework](#) (CEF) encompasses eight strategies that celebrate the diversity of Australian society, and reflect our commitment to creating opportunities for all Australians to participate in our cultural life. The Australia Council aims to extend the effectiveness and impact of our cultural engagement strategies to ensure that the potential of all Australians to contribute to the creativity, innovation and capacity building of the Australian arts is realised by:

- ensuring that the Australia Council's programs effectively deliver to the diversity of cultures in the Australian community in regard to both access and outcomes
- ensuring that the Australia Council contributes to Australia's artistic and cultural excellence through supporting the development of creative content which reflects Australia's diversity
- identifying and addressing emerging trends in CEF strategy areas
- identifying new and emerging areas for specific cultural engagement initiatives through the cultural engagement framework.

The CEF currently encompasses the following areas:

- Arts in a multicultural Australia.
- Creative communities.
- Disability and the arts.
- Education and the arts.
- National Aboriginal and Torres Strait Islander art policy.
- Reconciliation action plan.
- Regional arts.
- Young people and the arts.

2.5 Statutory Basis for the Australia Council

The Australia Council is a statutory authority established under the *Australia Council Act 1975*. It is governed by a board of directors ('the council') whose members are appointed under that Act by the Minister for the Arts (see Attachment 1). The *Australia Council Act 1975* provides the statutory basis of the Australia Council's powers, structure and its functions. It provides the mechanism by which its governing body, the council, is held accountable to its Minister. Under s.6B of the Act, the Minister may give directions to the governing body with respect to the performance of its functions or the exercise of its powers.

The *Commonwealth Authorities and Companies Act 1997* ('the CAC Act') also governs the Australia Council and sets out the various financial reporting, accountability and other rules that the Australia Council must meet, including standards of conduct for its directors and those officers who take part in its management. In some cases, a failure to meet a statutory obligation may constitute an offence and carry criminal sanctions. The corporate governance arrangements of the Australia Council are primarily determined by the *Australia Council Act* and the *CAC Act* which can be found at:

<http://www.finance.gov.au/policy-legislation.html>.

2.6 What Does the Australia Council Do?

The Australia Council delivers cultural benefits to the community at large by direct and indirect support for artists and arts organisations. It also provides policy leadership, research and independent advocacy for the arts. Its functions are set out in the Act at s5 which provides that it:

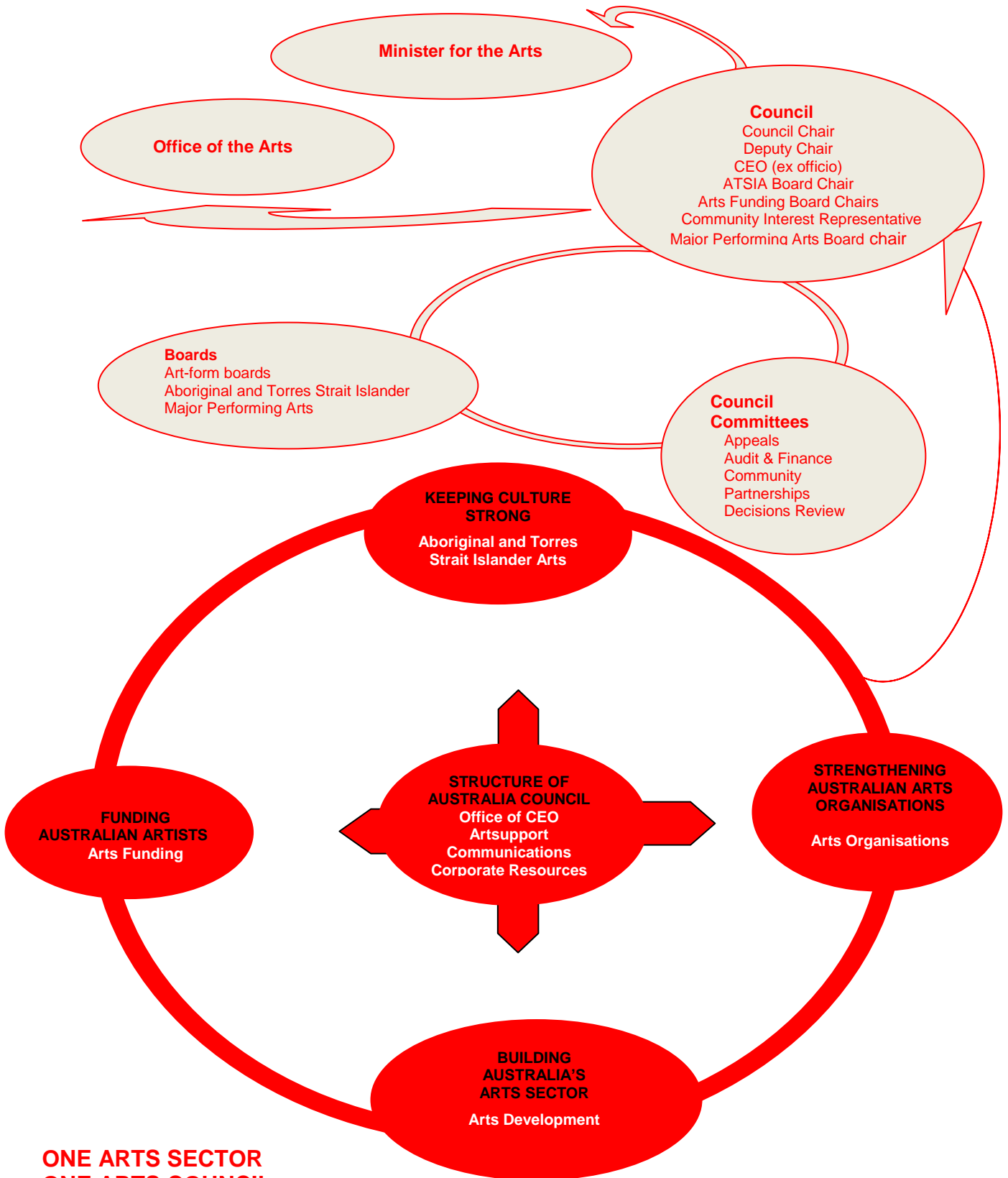
1. Formulate and carry out policies designed to:
 - promote excellence in the arts
 - provide, and encourage the provision of, opportunities for people to practise the arts
 - promote the appreciation, understanding and enjoyment of the arts
 - promote the general application of the arts in the community
 - foster the expression of a national identity by means of the arts
 - uphold and promote the right of people to freedom in the practise of the arts
 - promote the knowledge and appreciation of Australian arts by persons in other countries
 - promote incentives for, and recognition of, achievement in the practise of the arts and
 - encourage support of the arts by States, local government bodies and other persons and organisations.
2. Give advice to the Australian Government either on its own initiative or upon request made to it by the Minister on matters connected with the promotion of the arts, or otherwise relating to the performance of its functions.
3. Do anything incidentally or directly conducive to the performance of any of the foregoing functions.

2.7 How the Australia Council delivers

The work of the Australia Council is guided by two principles enshrined in the Act:

- the **arm's-length principle**, which ensures that decisions about specific grants are made at a distance from political processes (s6B(4)).
- the **peer-group assessment and decision-making principle**, whereby decisions on grants are made by artists, individuals closely associated with the arts (ss9(2) and 22 (3)) and community representatives who are peers of those being assessed. Grants are offered to artists and arts organisations whose proposals, in competition with those of other applicants, and within budget constraints, demonstrate the highest degree of artistic merit and innovation.

2.8 Australia Council organisational structure



The CEO is responsible for the conduct of the Australia Council and, in conjunction with the council Chair, liaises with the Minister concerning government arts policies and the Australia Council's budget, statutory powers and functions. The CEO also liaises with the Office of the Arts concerning government arts policies.

The Office of the Chief Executive Officer includes Artsupport Australia, an Australia Council initiative to grow cultural philanthropy, the secretariat, legal and compliance, public affairs, and marketing and communication.

Artsupport Australia manages a range of initiatives designed to facilitate philanthropy to the arts in Australia. The Australia Council's Donations Fund (managed by the Council) allows the Australia Council to receive tax deductible donations for the fulfilment of the Australia Council's mission—to enrich our nation by supporting and promoting the practice and enjoyment of the arts.

Marketing and Communication is responsible for positioning and profiling the Australia Council and manages a broad range of publishing and public relations activities, including liaison with government, arts organisations and the public. It promotes funding programs, policies and initiatives via public relations, media campaigns, events, and Internet and print publishing. It also provides strategic communication advice.

Legal and Compliance is primarily responsible for ensuring the Australia Council meet its legal obligations, advising on governance matters and acting as secretariat to the council.

Aboriginal and Torres Strait Islander Arts (ATSIA) supports the Aboriginal and Torres Strait Islander Arts Board, which is the leading authority for Indigenous arts. The division manages an established grant assessment process, and strategies and policies to assist Indigenous art-form development.

Arts Funding includes the areas of Dance, Literature, Music, Theatre, Visual Arts (all of which support art-form boards appointed by the Minister for the Arts), Community Partnerships (which supports a decision making Committee appointed by the Council) and the Inter-Arts Office (which convenes ad hoc peer groups). The five art-form boards assess funding requests from artists and organisations and are responsible for the Australia Council's strategic overview of their art-form areas. Using a broadly consistent suite of categories as the framework for grant support, they target their programs to address industry needs and gaps, generate strategic projects, implement government initiatives and advise other areas of council on national and international activities.

The Community Partnerships Committee supports work in the areas of community arts and cultural development. Community Partnerships administers a unique set of grant programs and initiates projects undertaken through alliances with a range of partners, including the art-form boards, arts industry associations, key arts organisations, state and territory arts support agencies, other Australian Government departments or agencies, community organisations and the business sector. It also manages the Cultural Engagement Framework, which monitors and guides the implementation of the Australia Council's cultural strategies.

The Inter-Arts Office (IAO) supports interdisciplinary arts practice that fall outside of the existing funding guidelines of the art-form boards or Community Partnerships. This includes creative processes such as hybrid arts, and cross disciplinary projects involving artists and practitioners from other fields (eg medical science or digital communications). The section regularly pursues partnerships with each of the other areas in Arts Funding.

With only a few, targeted grant programs, the IAO convenes advisory assessment panels to make recommendations on grant proposals and initiatives: formal decision making responsibilities rest with the executive director of Arts Funding.

Arts Development includes the areas of Market Development, Audience Development, Research and Analysis, and Business Capacity Building.

The division:

- develops arts marketing skills and international and national markets
- marketing and promotion
- the commissioning of and access to robust research, data, analysis and information that will inform the strategic planning evaluation and advocacy work of the Council and the wider arts community; and expert analysis
- advice and project management services on business capacity building strategies for arts organisations.

The division's activities are strategic and developmental.

Corporate Resources provides services and expertise for the Australia Council's human resources, financial services, operations, information technology and records functions. The Operations area manages the grant assessment process and devises strategies and policies to assist art-form development. It also facilitates uniform grant application processing across the Australia Council and manages the electronic grants management system.

The Arts Organisations division of the Australia Council encompasses approximately 173 dance, theatre, music, visual arts, literature and community key producers, major performing arts and service organisations funded through the council on a triennial basis. Of these, approximately 145 companies and organisations comprise the Key Organisations section of the council, with the remaining companies being overseen by the Major Performing Arts Board (MPAB). Common services such as business planning assistance and capability development are provided across all of these companies by the Organisations Division.

The MPAB oversees operations of 28 major performing arts companies throughout Australia, as joint and equal partners with state government funding agencies, as agreed by the Cultural Ministers Council (CMC). Under the CMC agreement the MPAB's grants process and formally delegated powers are different to those of the arts funding boards, in that the MPAB companies do not make formal applications for funding. They are funded by the Australian and relevant state governments at CMC-agreed levels on a rolling triennial basis, conditional upon their ongoing ability to meet MPAB delegation and categorisation criteria.

2.9 Governing body of the Australia Council

The governing body of the Australia Council is the council. The council is established under section 4 of the *Australia Council Act* and it is responsible for the overall corporate governance of the organisation. The council determines priorities, policies and the budgetary framework within which the Australia Council and its boards, committees and advisory bodies operate, and also monitors its achievements.

2.10 What the council does

The council adopts policies to inform and guide its actions and support for the Australian arts. Policies are formal articulations of perspectives and the resolutions of the council to act in certain ways on a particular subject or issue.

2.11 Role of the boards

The boards, except for the Major Performing Arts Board, meet up to four times per year. These are identified as grant assessment or policy meetings.

The boards are required to:

- assess applications and make grants under funding categories and against published assessment criteria. They are assisted in this by peers with relevant expertise selected from the Register of Peers.
- devise and implement funding strategies which supplement the grant category framework to achieve specific outcomes.

2.12 Council committees

Council committees are established under Section 17A(1) of the *Australia Council Act*. Committees may be delegated with decision-making powers like boards or have an advisory role only.

When establishing a committee, the council defines the duties or powers of that committee in authorisations, charters or delegations. They include a description of its role and responsibilities, duration and a review of the committee.

Committees report to the council on the tasks authorised, or powers and functions delegated to them. Committees that have only advisory roles must refer their recommendations to the Council for approval before they take effect.

The Audit and Finance Committee is an advisory body and the following committees are delegated to act on council's behalf:

- Appeals Committee
- Community Partnerships Committee
- Decisions Review Committee

3. THE DECISION-MAKING FRAMEWORK

3.1 Arm's length funding and peer-group decision making

The Australia Council operates on two interrelated principles: the 'arm's length' principle and the 'peer-group assessment and decision-making' principle.

The **arm's length principle** refers to the principle of the council's independence from government. Decisions about specific grants are made at an appropriate distance from political processes (see s6B(4) of the Act). This section precludes the Minister directing the Australia Council about a decision on a particular grant.

The arm's length principle goes hand-in-hand with that of **peer-group assessment and decision-making**. The council, its boards, committees and advisory assessment panels form an independent organisation comprising people with relevant knowledge or experience for deciding how support should be given. They are the peers of the applicants and therefore the people best placed to make decisions on grants and on directions for the arts.

The majority of board, committee and advisory assessment panel members are practising artists or art workers or have practised in the arts. This means that they have first-hand knowledge of the particular requirements of their art-form and bring immediate experience to the deliberations of the member body. Board, committee or advisory assessment panel members who are not practising artists but who are community representatives or have expertise in areas identified as relevant to the Council's priorities also contribute their knowledge.

3.2 Rights and responsibilities

The Australia Council Act upholds the right of persons to freedom in the practise of the arts. In meeting this obligation, council provides grants to a large number of individuals, groups and organisations working in, and with, a range of communities. Council support does not imply or determine that the council endorses the views of the artists or participants involved in a funded activity. However, in accepting a grant from the council, recipients are expected to undertake the agreed activity within both the spirit and the letter of the Australian legislative framework.

3.3 Public accountability for decision making

The principal responsibilities of decision-makers include:

- **Observation of appropriate legal requirements:** Before making a decision a member is obliged to ensure that they have the authority to do so and that they have followed established procedures.
- **Affording natural justice and procedural fairness:** In making any decision whether it is staff determining eligibility of an application, or a board or committee member making a funding decision, both must afford procedural fairness to an applicant on each occasion such as not changing published criteria for eligibility without due notice.
- **Establishing the facts:** Decision-makers must ensure that evidence supporting the decision is both sufficient and correct and that any pre-conditions are met.

- **Avoiding any improper exercise of authority:** Decision makers must ensure they are not taking irrelevant considerations into account or not having regard to the merits of a particular case.
- **Fairness:** Decision makers must avoid acting in a way that is unreasonable, unjust, oppressive or discriminatory.

Administrative law gives applicants an important right that decision making be objective and done without bias. It enables an aggrieved applicant to challenge an administrative decision. A complaint or challenge can be taken to a federal court; the Ombudsman; or a human rights, privacy or anti-discrimination commissioner. An applicant is also entitled to seek an internal review of the decision from the council's Decisions Review Committee where the applicant can demonstrate that one of the five published grounds for review of a decision was not followed by the board or committee (see below). Where a complaint is directed at a staff decision or action, the CEO undertakes that review with advice from the Manager, Legal and Compliance.

Commonwealth, state and territory judicial review legislation requires that administrative decisions comply with natural justice and procedural fairness, be made in good faith, and take heed of all relevant matters and the individual merits of the case. Relevant legislation includes the:

- *Ombudsman Act (1976)*
- *Administrative Decisions (Judicial Review) Act (1977)*
- *Freedom of Information Act (1982)*
- *Sex Discrimination Act (1984)*
- *Privacy Act (1988).*

Applicants who are aggrieved by an Australia Council decision are entitled under s13 of the *Administrative Decisions (Judicial Review) Act* to request a written statement of reasons for a decision. This statement must set out the reasons for the decision and give details of material and other evidence upon which it was made. Apart from the fact that decisions must be well based, written records of the decision-making process must be adequately and accurately maintained.

Legal action may take place only on the basis of alleged deficiencies in the decision-making process, including lack of procedural fairness.

There is no statutory right of review on the merits of a decision. For a challenge to succeed it must be on the basis that due process was not followed. The grants procedures of staff, the boards, committees and advisory assessment panels must observe the principles of procedural fairness.

3.4 Reviews of the decision-making process

Applicants who believe that the proper process of assessment was not followed may request that the decision be reconsidered. There are only five grounds on which reconsideration may be requested:

1. The person(s) making the decision failed to take into account material that was relevant to the decision as part of the assessment process. For example, the person(s) making the decision did not consider all the required support material submitted with the application or proposal.

2. The person(s) making the decision considered material that was irrelevant to the decision. Discrimination on grounds of an applicant, or other funding candidate's, race, colour, descent, national or ethnic origin, sex, marital status, sexual orientation, physical or intellectual impairment, religious belief or any other similar basis irrelevant to the decision falls within this category.
3. The preparation of the application or proposal was adversely affected by incorrect or misleading advice given by staff of the council or by members of the council or its boards or committees.
4. The person(s) making the decision had a conflict of interest, such as a direct or indirect financial interest, or a personal interest, in the outcome of the application or proposal resulting in a decision based on matters other than the merits of the application or proposal.
5. The person(s) making the decision took account of a matter adverse to the application or proposal—outside the matters outlined on the council's website at www.australiacouncil.gov.au/grants/information_for_applicants/assessment_and_review under 'Assessment of your application', as varied from time to time, or similar information authorised by the council to other funding candidates—without bringing that matter to their attention and inviting their comment on it.

Requests for review of the decision-making process must be made in writing to the Manager, Legal and Compliance and be received within 28 days from the date of the letter of notification of the board's decision about the application. The request must state the ground or grounds on which the applicant believes the application was not properly assessed and document the reasons for claiming that ground.

Eligible requests for review of decision are assessed by the council's Decisions Review Committee. It is not within the brief of this committee to consider the merits of any application—rather its function is to review the decision-making process for a particular grant to ensure that correct procedures have been followed.

3.5 Duty of care and diligence

Peers should be aware that they have a 'duty of care' to avoid causing harm or injury to others when communicating with applicants and members of the public on matters relating to their involvement with council.

The council may be financially liable for losses sustained by applicants who act on incorrect advice given by peers. Peers should therefore refer details or applicant-specific matters to relevant council staff to provide advice.

3.6 Anti-discrimination legislation

By law, the Australian Government affords equal opportunity to all eligible applicants and prohibits discrimination against any applicant because of political affiliation, religion, gender, class, ethnicity, sexual preference, marital status, pregnancy, age, physical or mental disability. The council has an Arts and Disability Action Plan that ensures equitable access to the Australia Council and its funding programs and categories. Details of this plan are available on the Council's website at:

http://www.australiacouncil.gov.au/about_us/policies2/disability_and_the_arts_action_plan_2008-2010

4. ROLE OF THE REGISTER OF PEERS

4.1 Background to the Register of Peers

The Register of Peers plays an integral advisory role in providing advice on grants assessment and policy development. Advertisements were first placed for expressions of interest in joining the register in December 1995. There are currently over 1400 peers listed on the register.

4.2. The role of peers in decision-making

Generally, under the terms of the Act only members of the boards and of committees, which have been delegated decision-making power, may make funding decisions. Peers from the register are appointed by the boards and committees to assist them undertake their work and as a consequence are not formal members of these bodies and cannot make decisions.

Peers assist the boards and committees by providing expert advice and recommendations. They may participate in meeting discussions.

4.3 Using the register to assist in grant assessment and policy development meetings

The Australia Council selects peers with relevant expertise to assist in assessment and policy meetings. Expertise may relate to national standing in a particular artform, or genre or practice (e.g. new media art, young adult literature, puppetry) or to relevant knowledge of a particular community (because of geographic location, personal background or a particular interest, for instance).

At all assessment meetings, the chair will outline at the beginning of the meeting, the roles and responsibilities of members and participating advisers (peers from the register) as well as the decision making process to be followed at the meeting.

See Section 4 for further details of board meeting procedures.

4.4 Using the Register of Peers for external assessments

Peers from the register may be called on to provide expert advice on one or more grant applications outside formal grant assessment meetings. Peers who undertake work in this capacity are called external advisors. External advisors work in isolation from other assessors and the advice they prepare is submitted to a board or committee as background information to assist in decision-making.

Some examples of the way we use external advisors are:

- assessment of scripts
- attendance at performances
- translation and assessment of applications in languages other than English
- assessments of artistic merit for applications that relate to a specific community

4.5 Using the Register of Peers to provide regional or community-based advice

Peers from particular regions or community groups may be called on to provide advice on specific issues. This advice may be sought through forums or correspondence by post, telephone or electronically. Peers may also be invited to attend public meetings or functions held within their region.

If the Australia Council selects a peer to provide regional or community advice, this would be an informal arrangement. All peers who live with a particular region or belonging to a particular community group would be invited to participate.

If a peer chooses to provide regional or community advice in this way, it is voluntary and not paid.

5. SELECTION AND RESPONSIBILITIES

5.1 Basis of selection

Peers are selected from the Register of Peers on the basis of best match of expertise and experience with the expertise required for the task at hand.

Staff at the Australia Council search the Register of Peers database for people whose expertise fits that required by the board, committee or panel. When peers with relevant expertise are not available from the register, board and council members and staff use their knowledge of the artform, or that of relevant industry bodies, to find suitably qualified people to join the register.

The final selection of the peers assisting at assessment meetings is made by the board or committee director in consultation with the chair. In the case of peers used to provide external assessment the director of the relevant section will make the final selection.

5.2 Duties and responsibilities

Peers from the register are responsible for making recommendations on grant assessment and providing advice on policy formulation.

Peers are expected to:

- keep abreast of relevant policy and arts issues
- read all agenda papers and applications, review all support material and participate in meetings.

Once a board or committee has made a decision, peers who have been assisting at the meeting are obliged to uphold that decision, irrespective of their personal views. The confidentiality provisions in their contracts also oblige peers who have participated in panels not to dissent if a recommendation made by a panel is not adopted by a senior officer with an authority to make a funding-decision.

5.3 Number of times peers may be used

Peers may be used as participating advisors once per board, committee or panel during a one-year period but may be used an unlimited number of times for purposes other than participation in grant assessment meetings.

5.4 Public availability of peers' names

The names of peers who have assisted a board, committee or panel are recorded in Assessment Meeting Reports and the Australia Council's Annual Report. The names of peers on the Register of Peers database are not made public nor are the names of peers called on to provide in-the-field assessments.

6. CODE OF CONDUCT

6.1 Confidentiality and the disclosure of council business

Members are expected to comply with the Code of Conduct (item 6.3 below).

In addition, section 22 of the *Commonwealth and Authorities Companies Act (CAC Act)* requires officers to act honestly and show a degree of care and diligence when discharging their duties. Under ss24 and 25 of the *CAC Act*, members and all staff must not improperly use their position, or information obtained to:

- gain an advantage for themselves or someone else
- cause detriment to the council or another person.

Peers may not make public any document or information which is obtained through their appointment unless it is already publicly available. Peers are also subject to the provisions of the *Australia Council Act* concerning conflicts of interest.

6.2 Use, retention and disposal of agenda and minutes, and related papers of meetings

a) *Ownership*

Agenda and minutes of meetings of the council, boards, committees, panels and any other meetings are defined in the *Archives Act 1983* as 'Commonwealth records'. This means that while the documents are for the use of members of the council or a board, committee, or advisory body, they belong to the Australian Government.

Agendas and minutes, applications and support material should be treated at all times as confidential information. This information should not be discussed with anyone beyond Australia Council staff, members of the board or other peers attending the meeting.

b) *Procedures*

Agenda and minutes, applications and support material should be returned to the secretary (of the meeting) at the end of the relevant meeting. The Australia Council will dispose of these documents in accordance with the relevant Records Disposal Authority.

c) *Personal Notes*

Notes made during meetings, or associated with meetings are personal papers, and members may dispose of them in whatever way they consider appropriate, as long as the privacy of other individuals and the confidentiality of information is protected.

6.3 Code of Conduct

Committee and advisory assessment panel members, and external peer assessors are bound by the terms and conditions of their contracts for services with the council. These contracts require peers to abide by the council's conflict of interest policies and council Code of Conduct.

6.4 Conflict of interest

Conflicts of interest may be actual or perceived and may relate to either financial (pecuniary) interest or personal bias; that is, where a member has a personal interest other than a financial interest in a matter.

An **actual conflict of interest** exists when there is a reasonable likelihood of a financial benefit, either direct or indirect, or a personal benefit to a Council, board, committee or advisory assessment panel member. A benefit will not constitute a conflict of interest if its connection with the matter under consideration is remote or speculative.

A **perceived conflict of interest** exists where a member of the public who has a familiarity with the purpose and work of the Australia Council and the constraints under which it operates might reasonably assume that there was a conflict, even if there was not, e.g. an application from or involving a family member or from an organisation related in some way to, the member.

It is important to note that only when *a member of the peer body making the grant decision is also the beneficiary* does an actual conflict of interest arise. A conflict does not exist if, for example, a board, committee or panel member is a beneficiary of a matter being considered by another board, committee or panel.

The council has adopted an Eligibility for Assessment policy for board and committee members, as follows:

No applications are eligible for assessment where a member of the peer body making the grant decision is also the applicant, or is the sole or major beneficiary through a third party.

As a general rule, a minor beneficiary is one who will receive not more than 20 per cent of the funds requested for grants under \$50,000. This guideline is in place to avoid any public perceptions of what may appear to be a conflict of interest. It is also to protect peers by ensuring that their professional credibility and ethical conduct cannot be brought into question.

Applications from panel members making recommendations to grant decision makers are subject to the Eligibility for Assessment policy.

In their contract for services with the Australia Council peers warrant that no conflict of interest exists or is likely to arise in the performance of their services. Should a conflict or risk of a conflict of interest arise before, or during the performance of their services, a peer must notify their contact officer immediately of that conflict or risk. Peers must abide by any agreed plan of management to manage a conflict of interest.

6.5 Peers with a conflict of interest

Peers are not eligible for selection to assist as participating advisers in grant assessment meetings which cover programs in which they are an applicant or the sole or major beneficiary through a third party.

Peers cannot be used to provide in-the-field assessments on applications in grant programs in which they themselves have placed applications.

Where there is a perceived conflict of interest, peers will be required to leave the meeting and not participate in the discussion and assessment of the relevant application.

6.6 Peers with unsatisfactory grant acquittals

Senior staff will not select peers with unsatisfactory acquittals as members of panels or participating advisers at board or committee meetings.

We may terminate the services of a peer who does not attempt to redress an unsatisfactory acquittal which may have arisen during their contract.

7. REMUNERATION AND ENTITLEMENTS

7.1 Sitting fees and travelling allowances

Fees payable to holders of public office are determined by the Australian Government's Remuneration Tribunal. Peers are entitled to remuneration for their contributions to the Australia Council. These are as follows:

- board, committee (including committee chairs) and advisory assessment panel members are paid daily sitting fees at board, committee or advisory assessment panel meetings
- sitting fees are also paid to board, committee or advisory assessment panel members involved in properly convened board, committee or advisory assessment panel meetings conducted as teleconferences for the time that the meeting is in session. Payment of sitting fees is made on a fortnightly basis subsequent to the performance of duties.

With the approval of the relevant board, committee or advisory assessment panel, daily sitting fees are also paid to members engaged in business of the council for at least three hours. Shorter periods of business may be aggregated for the purpose of payment of a daily fee provided that:

- each individual period of assessment must be for a minimum of one hour
- aggregated periods of assessment must total at least five hours
- preparation time for formal meetings is not included in the payment (unless the chair so specifies)
- eligibility for payment is certified by the chair.

Current rates for sitting fees and travelling allowances are set out in **Attachment I**.

7.2 Assessment fees

Fees and allowances for assessors and working party members are determined by the Australia Council in the light of the Remuneration Tribunal's decisions.

The current rates are set out in **Attachment II**.

7.3 Peers contract for services

Peers selected to act as participating advisers at board meetings, committee or advisory assessment panel members, or external assessors enter into a contract for services with the Australia Council. This contract outlines the nature of the services to be performed by the peer, when and where these services are to be undertaken, the fee for the services, and other terms of their engagement by Council, including abiding by Council's conflict of interest policies and Code of Conduct.

7.4 Domestic travel

Domestic travel on official business must be authorised in advance by the relevant director or executive director. When this occurs, a peer will be reimbursed for the normal expenses of travel. Australia Council staff will usually arrange tickets in advance for a peer's travel by plane through travel agent(s) designated by the Australia Council. Other travel expenses may be authorised at approved daily rates.

7.5 Cabcharges

Cabcharge™ docketts or Taxi eTickets may be issued to a peer for travel to attend council/board/committee or advisory assessment panel meetings or to attend other meetings or events on behalf of the Australia Council. When using Cabcharge™ vouchers it is vital that the peer complete all details on the docket. This is to prevent any fraudulent use occurring after the peer has handed over the Cabcharge™ docket and before it has been presented to the Australia Council for payment.

All unused docketts and tickets are to be returned immediately after the meeting or event to the relevant administrator for board, committee and advisory assessment panel members. This is a precaution against possible loss and subsequent fraudulent use. Any questions about the using of Cabcharge™ docketts or Taxi eTickets should be referred to the manager of Finance.

7.6 Payment method

Income payments (sitting fees and assessment fees) and reimbursement of expenses and travel allowances are generally made by electronic funds transfer (EFT).

Payment will be made upon:

- completion of the assessment and all contractual obligations
- submission of a tax invoice.

ATTACHMENT I: REMUNERATION RATE FOR PEERS

The table below gives the remuneration rates for peers.

The rates outlined in the table below are effective from **1 July 2011**

Board members and committees	Sitting Fee (per day)		
	Meetings of 3 hours or more	Meetings of 2 to 3 hours	Meetings less than 2 hours
Members (including peers)	\$405	\$243	\$162
	Travelling Allowance		
Per overnight stay: Sydney	\$356		
Adelaide	\$314		
Brisbane	\$364		
Canberra	\$314		
Darwin	\$301		
Hobart	\$281		
Melbourne	\$328		
Perth	\$342		
Country Centres	\$224		

ATTACHMENT II: FEES AND ALLOWANCES FOR PEERS

The fees and allowances for assessors, readers and working party members are as follows (as at 1 July 2009):

Performance assessment fee

Current rate:	\$84 per performance assessed
Plus	Cost of one ticket - if applicable, and/or reimbursement of travel cost - if distance involved.

Script assessment fee

Current rate:	\$75 per written assessment per script
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Readers' fees (for manuscripts and other written material)

Current rate:	\$41 per hour, subject to a maximum of \$203 per manuscript
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