

Heritage Council of NSW



**CODE
OF
MEETING
PRACTICE
AND COMMITTEE
STRUCTURES**

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Heritage Council of NSW

CODE OF MEETING PRACTICE and COMMITTEE STRUCTURES

PART 1 PRELIMINARY

1 Citation

This Code may be cited as the Heritage Council Code of Meeting Practice and Committee Structures.

2 Definitions

(1) In this Code:

alternate means an alternate member of the Heritage Council.
[Act - section 13]

amendment, in relation to an original motion, means a motion moving an amendment to that motion.

Chairperson:

- (a) in relation to a meeting of the Council - means the person presiding at the meeting as provided by section 8 (2) (a) (i) and section 14 of the Act (clause 12 of this Code), and
- (b) in relation to a meeting of a committee - means the person presiding at the meeting as provided by clause 42 of this Code.

committee means a committee established under or by the Heritage Council (clause 36 of this Code).

deputy means a deputy member for an ex officio member of the Heritage Council.
[Act - section 8 (5), (6) and (7)]

Director means the Director of the Heritage Office.

member means a member of the Heritage Council.

record means a document (including any written or printed material) or object (including a sound recording, coded storage device, magnetic tape or disk, microfilm, photograph, film, map, plan or model or a painting or other pictorial or graphic work) that is or has been made or received in the course of official duties by a member of the Heritage Council or an officer of the Heritage office and, in particular, includes the minutes of meetings of the Council or of a committee of the Council.

relative, in relation to a person, means any of the following:

- a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse,
- b) the spouse or the de facto partner of the person or of a person referred to in paragraph (a).

staff means the staff of the Heritage Office.

the Act means the Heritage Act 1977 (as amended).

the Code means the Heritage Council Code of Meeting Practice and Committee Structures 1998.

the Code of Conduct means the Heritage Council Code of Conduct 1998.

the Council means the Heritage Council of NSW.

the Regulation means the Heritage Regulation 1993.

- (2) Except as otherwise provided, expressions used in this Code which are defined in the Act have the same meanings as set out in Section 4 of the Act.

3 Act and Regulation

- (1) This Code is made pursuant to section 18 (2) of the Heritage Act.
- (2) The procedure for the calling of meetings of the Heritage Council and for the conduct of business at those meetings shall, subject to this Part and any regulations made in relation there to, be as determined by the Council. [Act - section 18]
- (3) This Code incorporates the provisions of the Regulation and the relevant provisions of the Act and Council Policy.
- (4) In the event of any inconsistency between the Code and the Act or the Regulation, the Act or the Regulation (as the case may be) prevails to the extent of the inconsistency.

4 Notes to Text

Each clause of this Code is cross-referenced to indicate whether it is an extract from the Act or the Regulation. For example, [Act - section 18] indicates that the preceding clause is from section 18 of the Act.

PART 2 CONVENING OF, AND ATTENDANCE AT, COUNCIL MEETINGS

5 Frequency of meetings of the Council

- (1) The Council shall, by resolution, set the time, date and place of ordinary meetings of the Council.
- (2) The Council shall establish a year long meeting schedule at the December meeting of each year.

6 Extraordinary meetings

- (1) The Chairperson, the Director or the Council by resolution, may call extraordinary meetings of the Council.
- (2) If the Director receives a request in writing signed by at least four members, the Chairperson must call an extraordinary meeting of the Council to be held as soon as practicable but in any event within 14 days after the receipt of the request.

7 Notice of meetings

- (1) The Director of the Heritage Office must send to each member at least three days before each meeting of the Council, a notice specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting.
- (2) Notice of less than three days may be given of an extraordinary meeting called in an emergency, but in no case shall notice of less than one day be given.
- (3) A notice under this section, the agenda for and the business papers relating to the meeting may be given to a member in electronic form.

8 Quorum

- (1) The quorum for a meeting of the Council is eight members of the Council who hold office for the time being. [Act - section 17]

9 What happens when a quorum is not present

- (1) A meeting of the Council must be adjourned if a quorum is not present:
 - (a) within half an hour after the time designated for the holding of the meeting, or

- (b) at any time during the meeting.
- (2) In either case, the meeting must be adjourned to a time, date and place fixed:
 - (a) by the Chairperson, or
 - (b) in his or her absence - by the majority of the members present, or
 - (c) failing that, by the Director.
- (3) The Director must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the members present.

10 Presence at Council meetings

- (1) A member can participate in a meeting of the Council by telephone hook-up if unable to be personally present at the meeting.
- (2) Certain members have alternates or deputies. Members are requested to advise the Director prior to the meeting if they will be represented at the meeting by their alternate or deputy.
- (3) If an alternate or deputy member wishes to attend the meeting as well as the member, he or she may be present for all parts of the meeting, but may not take part in discussions or votes.
- (4) Appointment of proxy - member, deputy or alternate may not give his or her proxy to another member, deputy or alternate.

11 Vacation of office

An appointed member shall be deemed to have vacated his or her office if the member is absent from 4 consecutive ordinary meetings of the Heritage Council of which reasonable notice has been given to the member, unless with leave granted to the member by the Heritage Council or as otherwise specified in section 11 of the Act.

PART 3 PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS

12 Chairperson of Council meetings

- (1) The Chairperson or, at the request of or in the absence of the Chairperson, the Deputy Chairperson is to preside at meetings of the Council. [Act - section 8 (2) (a) (i) and section 14]

- (2) If the Chairperson and the Deputy Chairperson are absent, a Council member appointed at the meeting of the Council is to preside at the meeting. [Act - section 15]
- (3) If no Chairperson is present at a meeting of the Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a Chairperson to preside at the meeting.

13 Chairperson to have precedence

When the Chairperson speaks during a meeting of the Council, every member present must be silent to enable the Chairperson to be heard without interruption.

14 Chairperson's duty with respect to motions

- (1) It is the duty of the Chairperson at a meeting of the Council to receive and put to the meeting any lawful motion that is brought before the meeting.
- (2) The Chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.
- (3) Any motion, amendment or other matter that the Chairperson has ruled out of order is taken to have been rejected.

15 Minutes

- (1) The Council must ensure that full and accurate minutes are kept of proceedings of the Council. [Act - section 19]
- (2) The minutes of every preceding meeting, including extraordinary meetings, not previously confirmed must be dealt with at every ordinary meeting of the Council, in order that such minutes may be confirmed.
- (3) A motion or discussion with respect to such minutes shall not be confirmed except with regard to their accuracy as a true and accurate record of the proceedings.
- (4) The minutes may be confirmed at an extraordinary meeting of the Council.
- (5) The minutes must, when they have been confirmed for accuracy at a subsequent meeting of the Council, be signed by the person presiding at that subsequent meeting.
- (6) The minutes shall be forwarded to the Minister as soon as practicable after each meeting. [Act - section 19 (1)]
- (7) A copy of the minutes which have been forwarded to the Minister shall be available for public inspection at the office of the Heritage Council. [Act - section 19 (2)]

16 Order of business

- (1) At a meeting of the Council (other than an extraordinary meeting), the general order of business is (except as provided by this Code) such as the Council has fixed by resolution passed at any previous meeting or, if no such resolution has been passed, in accordance with the Appendix attached to this Code.
- (2) The order of business fixed under subclause (1) may be altered if a motion to that effect is carried. Such a motion can be moved without notice.
- (3) Despite clause 25, only the mover of a motion referred to in subclause (2) may speak to the motion before it is put.

17 Business papers for Council meetings

- (1) The Director must ensure that the agenda for a meeting of the Council states:
 - (a) all matters to be dealt with arising out of the proceedings of former meetings of the Council, and
 - (b) if the Chairperson (or the Deputy Chairperson if acting for the Chairperson) is the Chairperson - any matter or topic that the Chairperson proposes, at the time when the agenda papers are prepared, to put to the meeting, and
 - (c) any business of which due notice has been given.
- (2) The Director must cause the agenda papers for a meeting of the Council to be prepared as soon as practicable before the meeting.
- (3) The Director may declare any matters to be confidential at the time of preparing the agenda papers for the meeting (clause 63 this Code)

18 Giving notice of business

- (1) The Council must not transact business at a meeting of the Council:
 - (a) unless a member has given notice of the business in writing by noon of the Wednesday immediately preceding the meeting, and
 - (b) unless notice of business has been sent to the members at least 3 days before the meeting, or, in the event of an extraordinary meeting called in an emergency, at least one day.
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
 - (a) is already before, or directly relates to a matter that is already before, the Council, or

- (b) is the election of a Chairperson to preside at the meeting, as provided by clause 12 (3), or
 - (c) is a matter or topic put to the meeting by the Chairperson in accordance with clause 20, or
 - (d) is a motion for the adoption of recommendations of a committee of the Council.
 - (e) is reports from officers which, in the opinion of the Chairperson, are urgent.
- (3) Despite subclause (1), business may be transacted at a meeting of the Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting, or
 - (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency.

Such a motion can be moved without notice.

- (4) Despite clause 27, only the mover of a motion referred to in subclause (3) can speak to the motion before it is put.

19 Agenda for extraordinary meeting

- (1) The Director must ensure that the agenda paper for an extraordinary meeting of the Council deals only with the matters stated in the notice of the meeting.
- (2) Despite subclause (1), business may be transacted at an extraordinary meeting of the Council even though due notice of the business has not been given to the members. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting, and
 - (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency.

Such a motion can be moved without notice, but only after the business notified in the agenda for the meeting has been disposed of.

20 Chairperson's agenda item

- (1) If the Chairperson (or the Deputy Chairperson, if acting for the Chairperson) is the Chairperson at a meeting of Council, the Chairperson is, by recommendation and agenda paper signed by the Chairperson, entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of the Council or of which the

Council has official knowledge.

- (2) Such an agenda paper, when put to the meeting, takes precedence over all business on the Council's agenda for the meeting. The Chairperson (but only if the Chairperson is the Chairperson, or the Deputy Chairperson, if acting for the Chairperson) may move the adoption of the recommendation without the motion being seconded.
- (3) A recommendation made in an agenda paper of the Chairperson (being the Chairperson or Deputy Chairperson if acting for the Chairperson) or in a report made by a Heritage office staff member and approved by the Director is, so far as adopted by the Council, taken to be a resolution of the Council.

21 Notice of motion - absence of mover

In the absence of a member who has placed a notice of motion on the agenda for a meeting of the Council:

- (a) any other member may move the motion at the meeting, or
- (b) the Chairperson may defer the motion until the next meeting of the Council at which the motion can be considered.

22 Motions to be seconded

A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to clauses 20 (2) and 24. However, the mover of a motion may be allowed by the Chairperson to speak to the motion before calling for the motion to be seconded.

23 Motions of dissent

- (1) A member can, without notice, move to dissent from the ruling of the Chairperson on a point of order. If that happens, the Chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- (2) If a motion of dissent is carried, the Chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the Chairperson must restore the motion or business to the agenda and proceed with it in due course.
- (3) Only the mover of a motion of dissent and the Chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

24 How subsequent amendments may be moved

- (1) If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one motion and one proposed amendment can be before the Council at any one time.
- (2) It is permissible to debate the motion and an amendment concurrently.
- (3) It is permissible during the debate on an amendment for a further amendment to be foreshadowed. However, any such foreshadowed amendment shall not be moved and debated until the amendment is dealt with.
- (4) All motions which are put to Council meetings, not being motions or recommendations appearing on the agenda, shall be read back to the meeting before being voted upon.

25 Persons may address Council

- (1) Persons may be permitted to make presentations to or to address the Council only when the subject is related directly to an item before the Council at that meeting.
- (2) A precis of the address shall be submitted in writing and shall be delivered to the Director by the day before the meeting. The precis should include a reference to the item on the agenda, details of the speaker's name, telephone number, interest in the item, brief details of the points to be made in the address and whether the recommendation is favoured or opposed.
- (3) All persons addressing the meeting shall speak to the Chairperson.
- (4) The time allowed for each speaker shall be limited to three (3) minutes with one (1) extension of not more than three (3) minutes with the approval of the Council. This time limit shall apply no matter how many items are addressed by the speaker.
- (5) Not more than one (1) member of a group may speak.
- (6) Each item before Council is restricted to one (1) speaker for and one (1) speaker against the recommendation.
- (7) Any proposed variation from (1) to (6) above shall be the subject of a procedural motion.
- (8) Members will not enter into general debate with, or ask questions of speakers, except through the Chairperson.
- (9) The Chairperson may curtail participation where the information being presented is considered repetitive or irrelevant.
- (10) The Chairperson may rule a question out of order.

Questions or representations will be dealt with in strict sequence of the agenda for the meeting.

26 Questions may be put to members and Heritage Office staff members

- (1) A member:
 - (a) may, through the Chairperson, put a question to another member, and
 - (b) may, through the Chairperson and the Director, put a question to a member of the Heritage Office staff.
- (2) However, a member or Heritage Office staff member to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.
- (3) The member must put every such question directly, succinctly and without argument.
- (4) The Chairperson must not permit discussion on any reply or refusal to reply to a question put to a member or office staff member under this clause.
- (5) A member may ask a question on notice of the Director in relation to matters other than those included on the agenda of the Council or relevant committee. In order to be included on the agenda of the meeting the question on notice must be provided in writing to the Director at least two (2) working days prior to the meeting. The question on notice and answer will be included on the agenda and provided to members before the commencement of the meeting. Where a member requires further information in relation to the answer provided, it is to be sought after the meeting.

27 Limitation as to number of speeches

- (1) A member who, during a debate at a meeting of the Council, moves an original motion has the right of general reply to all observations that are made by another member during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.
- (2) A member, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- (3) A member must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than 5 minutes at any one time. However, the Chairperson may permit a member who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than 5 minutes on that motion or amendment to enable the member to make a statement limited to explaining the misrepresentation or misunderstanding.

- (4) Despite subclauses (1) and (2), a member may move that a motion or an amendment be now put:
 - (a) if the mover of the motion or amendment has spoken in favour of it and no member expresses an intention to speak against it, or
 - (b) if at least 2 members have spoken in favour of the motion or amendment and at least 2 members have spoken against it.
- (5) The Chairperson must immediately put to the vote, without debate, a motion moved under subclause (4). A seconder is not required for such a motion.
- (6) If a motion that the original motion or an amendment be now put is passed, the Chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised his or her right of reply under subclause (1).
- (7) If a motion that the original motion or an amendment be now put is rejected, the Chairperson must allow the debate on the original motion or the amendment to be resumed.

28 Motions put without debate

Provided there is no objection from any member present, any motion or recommendation before the Council may be put to the vote without discussion or debate.

29 Voting at Council meetings

- (1) Each member is entitled to one vote.
- (2) However, the Chairperson has, in the event of an equality of votes, a second or casting vote. [Act - section 16]
- (3) Other than such special rights exercised by the Chairperson (or member presiding) under the Act, all members have the same rights and responsibilities in relation to attending meetings, and deliberating and voting upon issues coming before the Council. In relation to such rights and duties, there is no difference in status between members who are appointed by the Minister and members who sit on the Council on an ex officio basis.
- (4) A member who is present at a meeting of the Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion unless an abstention is claimed. This subclause does not apply to a member who does not vote because he or she has a pecuniary interest in the subject matter of the motion. This subclause does not apply to a member who does not vote because he or she has a non-pecuniary interest in the subject matter of the motion.

Note: Council recognises that in adopting its Code of Conduct in relation to

non-pecuniary conflicts of interest that this provision must be consistent for both pecuniary and non-pecuniary conflicts of interest.

- (5) If a member who has voted against a motion put at a Council meeting so requests, the Director must ensure that the member's dissenting vote is recorded in the Council's minutes.
- (6) The decision of the Chairperson as to the result of a vote is final, unless in the case where a vote has been declared on the voices, a member immediately requests a show of hands.
- (7) Voting at a Council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by a show of hands).

30 Decisions of the Council

- (1) A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is taken to be a decision of the Council.
- (2) A recommendation made in a report by an officer of the Heritage Office and submitted as an agenda item is, so far as adopted by the Council, taken to be a resolution of the Council.

31 Rescinding or altering resolutions

- (1) A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given.
- (2) If it is proposed to move a further motion in the event that a rescission motion is carried, the required notice must also be given of the proposed further motion.
- (3) If notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.
- (4) In the case of a motion of alteration, subclause (3) applies only to the extent that the resolution of Council would be affected by the motion of alteration, if it is carried.
- (5) If a motion has been negated by the Council, a motion having the same effect must not be considered unless notice of it has duly been given in accordance with clause 18.
- (6) A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negated by the Council, must be signed by at least 3 members if less than 3 months have elapsed since the resolution was passed, or the motion was negated, as the case may be.
- (7) If a motion to alter or rescind a resolution has been negated, or if a motion which

has the same effect as a previously negated motion, is negated, no similar motion may be brought forward within 3 months. This subclause may not be evaded by substituting a motion differently worded, but in principle the same.

- (8) A motion to which this clause applies may be moved on the report of a committee of the Council and any such report must be recorded in the minutes.
- (9) The provisions of this clause concerning negated motions do not apply to motions of adjournment.

32 Motions of adjournment

- (1) Debate shall not be permitted on any motion for adjournment of a meeting of the Council.
- (2) If a motion for adjournment is negated, the business of the meeting shall proceed, and it shall not be in order for any member to again move a motion for adjournment within half an hour of the previous motion for adjournment being negated.
- (3) A motion for adjournment may specify the time, date and place of the adjourned meeting; however, if a motion for adjournment is carried but does not specify the time, date and place of the adjourned meeting, the Chairperson shall make a determination with respect to whichever of these has not been specified.

33 Questions of order

- (1) The Chairperson, without the intervention of any other member, may call any member to order whenever, in the opinion of the Chairperson, it is necessary to do so.
- (2) A member who claims that another member has committed an act of disorder, or is out of order, may call the attention of the Chairperson to the matter.
- (3) The Chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council.
- (4) The Chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

34 Acts of disorder

A member commits an act of disorder if the member, at a meeting of the Council or a committee of the Council:

- (a) contravenes the Act, any regulation in force under the Act or this Code, or
- (b) moves or attempts to move a motion or an amendment that has an unlawful

purpose or that deals with a matter that is outside the jurisdiction of the Council or committee, or addresses or attempts to address the Council or committee on such a motion, amendment or matter, or

- (c) insults or makes personal reflections on or imputes improper motives to any other member, or
- (d) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or committee into contempt.

PART 4 COUNCIL COMMITTEES

35 Committee of Council

- (1) The Council may resolve itself into a committee to consider any matter before the Council.
- (2) All the provisions of this Code relating to meetings of the Council, so far as they are applicable, extend to and govern the proceedings of a committee of the whole, except the provisions limiting the number and duration of speeches.
- (3) The Director (or in the absence of the Director, an officer of the Heritage Council designated by the Director), is responsible for reporting to the Council proceedings in a committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- (4) The Council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed.

36 Council may appoint committees

- (1) The Council may, by resolution, establish such committees as it considers necessary.
- (2) A committee, is to consist of such members as are appointed by the Council.
- (3) The quorum for a meeting of such a committee is to be:
 - (a) such number of members as the Council decides, or
 - (b) if the Council has not decided a number, a majority of the members of the committee.
- (4) Expert members may be appointed to committees who are not members of Council if their expertise will assist in the functions of the committee.

- (5) Payment of fees to committee members shall be, subject to approval by the Minister, shall be advised to members annually.

37 Functions of committees

- (1) The Council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.
- (2) The Terms of Reference, Membership and Delegations of current committees are set out in Annexure A.

(3) Heritage Council Committees

The three main Heritage Council committees, consistent with the current main functions and priorities of the Heritage Council are:

- Heritage Council Strategy Committee
- Heritage Council State Heritage Register Committee
- Heritage Council Approvals Committee.

The general operating principles of these committees are as follows:

- (a) committees shall have approved, written delegations from the Heritage Council,
- (b) committees shall operate according to the Heritage Council Meeting Code of Conduct and Code of Meeting Procedures,
- (c) minutes shall be kept and referred to the Heritage Council for information and consideration for items recommended for approval to the full Heritage Council,
- (d) the Heritage Office provides executive administrative support.

Functions, delegations and membership of these committees are at Annexure 1.

(4) Advisory panels, standing committees and working parties

Advisory panels and standing committees provide ongoing advice to the Heritage Council and promote best practice in their area of expertise eg. Aboriginal Heritage Committee.

The general operating principles of these groups are as follows:

- (a) advisory panels, standing committees and working parties should include, where appropriate and possible, at least one Heritage Council member and may include professional staff from the Heritage Office as members,
- (b) advisory panel members will have experience and expertise specific to the function of the panel,
- (c) advisory panels need not be chaired by a Heritage Council member, although it would be usual practice that a Heritage Council member or alternate member would chair all panels,
- (d) recommendations of advisory panels or standing committees will be made to the Council and will be forwarded in the form of a report for the Council's consideration,

- (e) panels may exercise delegated non-statutory functions on behalf of the Heritage Council, but this would require a specific delegation for a particular purpose at a particular time,
- (f) the minutes are forwarded to the Heritage Council for information,
- (g) the Heritage Office provides executive administrative support to all advisory panels, standing committees and working parties,
- (h) one of the principal heritage officers is accountable for each advisory panel and will ensure the work of the advisory panel remains integrated with overall functions of the Heritage Council and the Heritage Office.

(5) Special project groups

Special project groups are short term site specific or policy specific working groups to assist the Council in its deliberations and have a limited life based on completing a specific task. They may be formed to assist the Council in consideration of approvals relating to a specific site (eg Walsh Bay) or in formulation of policy in regard to a specific project (eg Accreditation).

The general operating principles of a special project group are as follows:

- (a) Groups should, in general, be chaired by a member of the Heritage Council and may have other members with expertise relevant to the issue or site (not necessarily restricted to Heritage Council members and alternates),
- (b) Groups are to provide formal recommendations to the Heritage Council or Heritage Council committees and keep minutes of meetings.
- (c) The Heritage Office provides executive administrative support.

38 Notice of committee meetings to be given

- (1) The Director of the Heritage Office must send to each member at least 3 days before each meeting of the committee, a notice specifying:
 - (a) the time and place at which and the date on which the meeting is to be held, and
 - (b) the business proposed to be transacted at the meeting.
- (2) However, notice of less than 3 days may be given of a committee meeting called in an emergency.
- (3) The provisions of clause 17 (3) apply to the agenda papers of committee meetings in the same manner as they apply to the agenda papers of meetings of the Council.

39 Non-members entitled to attend committee meetings

- (1) A member who is not a member of a committee is entitled to attend, and to speak at, a meeting of the committee.
- (2) However, the member is not entitled:

- (a) to move or second a motion at the meeting, or
- (b) to vote at the meeting.

40 Procedure in committees

- (1) Subject to subclause (3), each committee of the Council may regulate its own procedure.

Note: Each of the committees will be able to resolve to conduct their meetings in accordance with all of the provisions of Council's Code of Meeting Practice relating to meetings of the Council and Council committees except the provisions limiting the number and duration of speeches and that the Chairperson shall have a casting vote.

- (2) Without limiting subclause (1), a committee of the Council may decide that, whenever the voting on a motion put to a meeting of the committee is equal, the Chairperson of the committee is to have a casting vote as well as an original vote.
- (3) Voting at a committee meeting is to be by open means (such as on the voices or by a show of hands)
- (4) The Chairperson of a meeting of a committee of the whole shall not have a casting vote.

41 Committee to keep minutes

- (1) Each committee of a council must ensure that full and accurate minutes of the proceedings of its meetings are kept.
- (2) As soon as the minutes of an earlier meeting of a committee of the council have been confirmed at a later meeting of the committee, the person presiding at the later meeting must sign the minutes of the earlier meeting.
- (3) The minutes of committees shall form part of the agenda papers of the next practicable Heritage Council meeting

42 Chairperson and Deputy Chairperson of committees

- (1) The Chairperson of each committee of the Council, must be:
 - (a) a member of the Heritage Council, or
 - (b) if the Chairperson does not wish to be the Chairperson of a committee - a member of the committee nominated by the Chairperson or the Council, or

- (c) if the Chairperson or the Council does not nominate such a member - a member of the committee nominated by the committee.
- (2) The Council may nominate a member of a committee of the Council as Deputy Chairperson of the committee. If the Council does not nominate a Deputy Chairperson of such a committee, the committee may nominate a Deputy Chairperson.
- (3) If neither the Chairperson nor the Deputy Chairperson of a committee of the Council is able or willing to preside at a meeting of the committee, the committee must nominate a member of the committee to be acting Chairperson of the committee.
- (4) The Chairperson of a committee is to preside at a meeting of a committee of the Council. If the Chairperson is unable or unwilling to preside, the Deputy Chairperson (if any) is to preside at the meeting, but if neither the Chairperson nor the Deputy Chairperson is able or willing to preside, the acting Chairperson is to preside at the meeting.

43 Absence from committee meetings

- (1) A member ceases to be a member of a committee if the member (other than the Chairperson):
 - (a) has been absent from 3 consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
 - (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- (2) Subclause (1) does not apply if all of the members of the Council are members of the committee.

Note: The reference to *year* means the period beginning 1 January and ending the following 31 December.

44 Reports of committees

- (1) If in a report of a committee of the Council, distinct recommendations are made, the decision of the Council may be made separately on each recommendation.
- (2) The recommendations of a committee of the Council are, so far as adopted by the Council, taken to be resolutions of the Council.

PART 5 PECUNIARY INTERESTS

45 Pecuniary interest

- (1) For the purposes of this Part, a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated as provided in the Heritage Council Code of Conduct.
- (2) A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter.

46 Persons who have a pecuniary interest

- (1) For the purposes of this Part, a person has a pecuniary interest in a matter if the pecuniary interest is the interest of:
 - (a) the person, or
 - (b) another person with whom the person is associated.
- (2) A person is taken to have a pecuniary interest in a matter if:
 - (a) the person's spouse or de facto partner or a relative of the person, or a partner or employer of the person, has a pecuniary interest in the matter, or
 - (b) the person, or a nominee, partner or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter.
- (3) However, a person is not taken to have a pecuniary interest in a matter as referred to in subsection (2):
 - (a) if the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company or other body,
 - (b) just because the person is a member of, or employed by, a Council or a statutory body or is employed by the Crown, or
 - (c) just because the person is a member of a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

47 Interests that do not have to be disclosed

The following interests do not need to be disclosed for the purposes of this Part:

- (a) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public or a section of the public that includes persons who are not subject to this Part,

- (b) an interest as a member of a club or other organisation or association, unless the interest is as a holder of an office in the club or organisation (whether remunerated or not),
- (c) an interest of a member of a Council committee as a person chosen to represent the community or as a member of a non-profit organisation or other community or special interest group if the committee member has been appointed to represent the organisation or group on the committee
- (d) an interest in a proposal relating to the making, amending, altering or repealing of an environmental planning instrument, other than an instrument that effects a change of permissible uses of:
 - (i) land in which the person or another person with whom the person is associated has a proprietary interest (which, for the purposes of this paragraph, includes any entitlement to the land at law or in equity and any other interest or potential interest in the land arising out of any mortgage, lease, trust, option or contract, or otherwise), or
 - (ii) land adjoining, or adjacent to, or in proximity to land referred to in paragraph (a) if the person or the other person with whom the person is associated would by reason of the proprietary interest have a pecuniary interest in the proposal,
- (e) an interest as an elector,
- (f) an interest as a ratepayer or a person liable to pay a charge.
- (g) in respect of Action Report items, where interest has previously been declared and matters in Committee Minutes which are noted, but not discussed at the Heritage Council meeting, that Declaration of Interest need not be made [Clause (g) resolution of Heritage Council meeting June 1999].

48 Disclosure and participation in meetings

- (1) A member or a member of a Council committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or committee at which the matter is being considered must disclose the interest to the meeting as soon as practicable.
- (2) The member or committee member must not take part in the consideration or discussion of the matter.
- (3) The member or committee member must not vote on any question relating to the matter.
- (4) This clause does not prevent a person from taking part in the consideration or discussion of, or from voting on, any question as provided for in clause 47.
- (5) A person who, at the request or with the consent of the Council or a Council

committee, gives advice on any matter at any meeting of the Council or committee must disclose any pecuniary interest the person has in the matter to the meeting at the time the advice is given.

- (6) A person does not breach this clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

49 Participation in meetings despite pecuniary interests

Clause 47 does not prevent a person from taking part in the consideration or discussion of, or from voting on, any of the following questions:

- (a) a question relating to a contract, proposed contract or other matter if the person or the spouse, de facto partner or relative of the person has a pecuniary interest only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company,
- (b) a question relating to the indemnity insurance of members or members of Council committees,
- (c) a question relating to the appointment of a member to a body as the representative or delegate of the Council, even though a fee or other recompense is payable to the representative or delegate.

50 Disclosures to be recorded

A disclosure made at a meeting of the Council or Council committee must be recorded in the minutes of the meeting and entered into a Register of Pecuniary Interests which will be kept at the Heritage Office.

51 Powers of the Council in relation to meetings

A member or member of a Council committee must not, if Council or the committee so resolves, attend a meeting of the Council or committee while it has under consideration a matter in which the member or committee member has an interest required to be disclosed under this Part.

PART 6 NON-PECUNIARY INTERESTS

52 Special duty of a member, member of staff, and delegate

A Council member, member of staff or delegate must avoid and appropriately resolve any conflict or incompatibility between his or her private or personal interests and the impartial performance of his or her public or professional duties.

53 Non-pecuniary interest

- (1) For the purposes of this Part, a non-pecuniary interest is any private or personal interest which does not pertain or relate to money (eg. kinship, friendship, membership of an association, society or trade union or involvement or interest in an activity).
- (2) A person does not have a non-pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter.

54 Conflict of Interest

- (1) A conflict of interest arises if it is likely that the person with the private or personal interest could be prejudicially influenced in the performance of his or her public or professional duties by that interest, or that a reasonable person would believe that the person could be so influenced.
- (2) A non-pecuniary conflict of interest need not mean automatic or complete exclusion from participation in discussion or decision-making and a determination of how the non-pecuniary conflict of interest is to be dealt with is to be made in accordance with the Council's policy on conflicts of interest.

55 Disclosures and participation in meetings

- (1) A member or a member of a Council committee who has a non-pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or committee at which the matter is being considered must disclose the interest to the meeting as soon as is practicable.
- (2) The member is to advise the Council or Council committee at the time of making the disclosure under subclause (1) whether or not the extent of the interest is such that they will not be taking part in discussion or consideration of the matter or voting on any question on the matter.
- (3) A member who discloses a non-pecuniary interest and advises Council under subclause (2) that they will not be voting on any question on the matter is not to vote and is to state immediately following the vote being taken, for the purposes of the minutes of the meeting, that they did not vote because of their non-pecuniary interest.
- (4) In respect of Action Report items, where interest has previously been declared and matters in Committee Minutes which are noted, but not discussed at the Heritage Council meeting, that Declaration of Interest need not be made [Clause (4) resolution of Heritage Council meeting June 1999].

56 Disclosures to be recorded

A disclosure made at a meeting of the Council or Council committee must be recorded in the minutes of the meeting.

PART 7 ACCESS TO HERITAGE COUNCIL REPORTS

57 Availability of Minutes, Reports and Agendas

Heritage Council of NSW

1. Agendas will be publicly available at the same time that they are available to Council members (5 days before the meeting).
2. The agenda will be available on the Heritage Office home page 5 days before the meeting (www.heritage.nsw.gov.au).
3. Reports to the Council (except those deemed to be confidential) will be available to affected parties on request at the Heritage Office at the same time as they are circulated to members. Such persons are given the opportunity to provide written comment of additional factual information to be provided to the members before the meeting. Such material must be provided in a form which can be clearly faxed to members 3 days before the meeting.
4. Opportunities to give presentations may be provided to owners, proponents and interested persons on specific agenda items (see Section 58).
5. Media releases on key issues will be prepared at the end of each meeting.
6. Minutes will be made available on request after they have been confirmed by the Chair, provided to the Minister and the gazettal of any decision on any recommendation by the Minister has taken place.
7. All key Heritage Council documents (except those deemed to be confidential) will be available for inspection by the public at the Heritage Office. Photocopies of documents will be provided at an appropriate cost.
8. Access to agendas, reports and minutes are subject to the privacy provisions of the Freedom of Information Act, 1989.

State Heritage Register Committee

1. Agendas of meetings will be publicly available at the same time that they are available to Council members (5 days before the meeting).
2. The agenda will be available on the Heritage Office home page 5 days before the meeting

(www.heritage.nsw.gov.au).

3. Reports to the Committee (except those deemed to be confidential) will be available to affected parties on request at the Heritage Office at the same time as they are circulated to members. Such persons are given the opportunity to provide written comment of additional factual information to be provided to the members before the meeting. Such material must be provided in a form which can be clearly faxed to members 3 days before the meeting.
4. Opportunities to give presentations may be provided to owners, proponents and interested persons on specific agenda items (see Section 58).
5. Media releases on key issues will be prepared at the end of each meeting.
6. Minutes will be made available on request after they have been confirmed by the Chair, provided to the Minister and the gazettal of any decision on any recommendation by the Minister has taken place.
7. All key Committee documents (except those deemed to be confidential) will be available for inspection by the public at the Heritage Office. Photocopies of documents will be provided at an appropriate cost.
8. Access to agendas, reports and minutes are subject to the privacy provisions of the Freedom of Information Act, 1989.

Heritage Council Approvals Committee

1. Agendas of meetings will be publicly available at the same time that they are available to Council members (5 days before the meeting).
2. The agenda will be available on the Heritage Office home page 5 days before the meeting (www.heritage.nsw.gov.au).
3. Reports to the Committee (except those deemed to be confidential) will be available to affected parties on request at the Heritage Office at the same time as they are circulated to members. Such persons are given the opportunity to provide written comment of additional factual information to be provided to the members before the meeting. Such material must be provided in a form which can be clearly faxed to members 3 days before the meeting.
4. Opportunities to give presentations may be provided to owners, proponents and interested persons on specific agenda items (see Section 58)
5. Media releases on key issues will be prepared at the end of each meeting.
6. Minutes will be made available on request after they have been confirmed by the Chair, provided to the Minister and the gazettal of any decision on any recommendation by the Minister has taken place.

7. All key Heritage Council documents (except those deemed to be confidential) will be available for inspection by the public at the Heritage Office. Photocopies of documents will be provided at an appropriate cost.
8. Access to agendas, reports and minutes are subject to the privacy provisions of the Freedom of Information Act, 1989.

[Clause 57 added as a result of a resolution of the Heritage Council in December 1999].

58 Presentations to the Heritage Council

- (1) The Heritage Council, its committees and panels will receive consider presentations from owners, applicants, peak heritage groups, local councils and community organisations. The following guidelines for presentations to the Heritage Council and its Committees apply.
- (2) As an alternative to presentations a short written submission of 1-2 pages can be made to correct any factual errors in the Heritage Office's report to the Heritage Council, or to add more information. This report must be received before 12 noon on the day before the meeting.
- (3) The Director of the Heritage Office, in consultation with the Chair or Deputy Chair of the Heritage Council or the relevant committee or panel will decide whether a presentation is necessary.
- (4) Presentations are limited to ten minutes maximum, and to one speaker, unless varied by the Chair or Deputy Chair of the Heritage Council, committee or panel.
- (5) Presentations in relation to applications under IDA or s60 of the Heritage Act should focus on the issues that relate to heritage concerns and should include:
 - a brief statement of heritage significance;
 - an explanation of the impact of the proposal on the significance of the place;
 - a case for the proposal or explanation of the issue;
 - a response to any matters that the Heritage Office may have raised regarding the proposal;
 - a response to questions or concerns of the Heritage Council or Approvals Committee.
- (6) The content for presentations on other matters should be discussed with the relevant Heritage Office staff well ahead of the meeting.
- (7) Graphic material is very helpful in any presentation, but particularly in regard to potential changes to listed heritage items. This could include:
- (8) a site plan, plans, elevations and perspectives (drawings should show the heritage item in its current state, its curtilage and site features in relation to the proposal)
 - photographs of the site
 - a photo-montage

- a model
- slides or video.

The Heritage Office has a range of equipment that can be used for presentations, including:

- data projector
- slide projector
- overhead projector
- epidiascope (hard copy projector)
- projection screen or wall
- white board.

(9) The following information regarding a presentation is to be faxed or e-mailed to the relevant Heritage Office staff member two days prior to the meeting:

- Date of meeting
- Project / heritage item name
- Address (if applicable)
- Name of owner or applicant or organisation
- Name of presenter
- Names of other people attending the meeting
- Equipment required

PART 8 MISCELLANEOUS

59 Security of Minutes

The Director must ensure that the minutes of the Council and any minutes of a committee of the Council are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.

NOTE: Section 19 of the Act confers a right to inspect the minutes of a Council meeting.

60 Tape recording of meeting of the Council or a committee prohibited without permission

A person may use a tape recorder to record the proceedings of a meeting of the Council or a committee of the Council only with the authority of the Council or committee.

61 Certain circumstances do not invalidate Council decisions

Proceedings at a meeting of the Council or a Council committee are not invalidated because of:

- (a) a vacancy in an office, or

- (b) a failure to give notice of the meeting to any member or a committee member, or
- (c) any defect in the election or appointment of a member or a committee member, or
- (d) a failure of a member or a committee member to disclose a pecuniary interest at a Council or a committee meeting, or
- (e) a failure to comply with this Code.

62 Council seal

The seal of a Council must be kept by the Minister.

63 Amendment of Code Council seal

This Code may be amended by resolution of the Council

APPENDIX

HERITAGE COUNCIL MEETING - GENERAL ORDER OF BUSINESS

- 1.0 Opening
 - 1.1 Welcome and Apologies
 - 1.2 Appointment of meeting Chairperson
 - 1.3 Confirmation of agenda and items for General Business
 - 1.4 Declaration of interest
- 2.0 Confirmation of Minutes
- 3.0 Reports
 - 3.1 Chairperson's Report
 - 3.2 Director's Report
- 4.0 Presentations (if any)
- 5.0 Matters for consideration and decision
- 6.0 Matters for Discussion (if any)
- 7.0 Committee of Advisory Panel Minutes
- 8.0 General Business
- 9.0 Next Meeting

ANNEXURE A -

HERITAGE COUNCIL CONSTITUTION OF COMMITTEES AND COMMITTEE DELEGATIONS 1998

The Heritage Council, pursuant to a resolution at a duly held meeting on 10 December 1998 and;

- (a) pursuant to section 21 of the Heritage Act constitutes the Committees named in Column I of Schedule 1 having the membership specified in Column II, the functions specified in Column III and delegations specified in Column IV of that Schedule, and
- (b) pursuant to section 169 of the Act, delegates to the Committee named in Column I of Schedule 2, the functions of the Heritage Council specified in Column II opposite the Committee so named, subject to the conditions and limitations specified in Column III.

Chair Heritage Council

Dated

ANNEXURE A1 - HERITAGE COUNCIL MAIN COMMITTEES

Name of Committee	Membership	General Functions	Delegations of the Committee Current Delegations - Determined by the Chair on the Recommendation of Approvals Committee – to be reviewed. The Chair can delegate this power to the Deputy Chair.
Approvals Committee	<p>Seven or eight members (7/8), each of whom must be a member of the Heritage Council, including the Director.</p> <p>Membership 2000: Jim Barrett (Chairperson) (Elsa Atkin) Graham Quint Terrence Barnes Alan Croker Garry Fielding Chris Johnson Mary-Lynn Taylor (Rosalind Strong) Reece McDougall</p> <p>And Alan Croker</p>	<p>To make recommendations for General terms of approval or for refusal under Integrated Development Assessment (IDA) for items on the State Heritage Register.</p> <p>To consider applications for excavation permits under Section 140 of the Heritage Act.</p> <p>To comment on development in the vicinity of heritage items of State and Regional heritage significance.</p> <p>To provide pre-development application advice on proposals which impact on heritage items of State and Regional heritage significance.</p> <p>To prepare, endorse and review policies on the best practice of making and dealing with applications for approval to carry out development to State Significant Heritage items.</p> <p>To prepare, endorse and review policies for the education of the owners and managers of State Significant Heritage items about best practice in managing and developing such items.</p> <p>To give guidance to other approval bodies on best practice in approving development works impacting on items of State, Regional or Local Heritage significance.</p> <p>To develop an appropriate framework to guide the above role, including terms of reference and model terms and conditions of approval.</p>	<p>The functions of the Heritage Council relating to the following matters:</p> <p>Granting of exemptions under s57(2); Determination of s60 applications; Variation of conditions applying to s60 applications; Consideration of notices given under s132; Approval of the issue of excavation permit under s140; Variation or revocation of an excavation permit under s140; Recommendation to the minister not to take action on submissions made by councils in accordance with s166; To provide the Minister with an opinion on the making of a planning instrument in accordance with s83(2); To make submissions to the Minister in regard to draft environmental planning instruments under the EPA Act; To recommend to the Minister that action is or is not taken in accordance with s136 of the Act (restricting harm); To provide opinions statements or other information on development applications and other matters affecting environmental heritage; To make submissions in relation to EISs; To recommend that the Minister take action on submissions made by councils in accordance with s166 (which relates to local council submissions to the Heritage Council regarding items worthy of conservation in accordance with the Heritage Act).</p> <p>To recommend that the Minister that a specific local council(s) be delegated the power to make IHOs</p>

Name of Committee	Membership	General Functions of the Committee	Delegations Current Delegations - Determined by the Chair on the Recommendation of Approvals Committee – to be reviewed. The Chair can delegate this power to the Deputy Chair.
Heritage Council State Heritage Register Committee	<p>Seven or Eight (7/8) members, each of whom must be a member of the Heritage Council.</p> <p>Membership 2000: Richard Mackay (Chair) Michael Collins Evelyn Crawford Joan Domicelj (Brian Gilligan) Jason Ardler Ian Jack Rosalind Strong Joan Templeman</p>		<p>The functions of the Heritage Council relating to the following matters:</p> <p>To endorse Conservation Management Plans on behalf of Heritage Council.</p> <p>To determine items as state significant.</p> <p>To recommend to the Minister the placement of an item on the State Heritage Register.</p> <p>To recommend that the Minister take action on submissions made by councils in accordance with s166 (which relates to local council submissions to the Heritage Council regarding items worthy of conservation in accordance with the Heritage Act).</p> <p>To grant exemptions under s57 (2).</p> <p>To recommend to the Minister the placing of an Interim Heritage Order or the removal of such an order.</p> <p>To recommend to the Minister that action is or is not taken in accordance with s136 of the Act (restricting harm).</p>

Name of Committee	Membership	Functions of the Committee	Delegations
Strategy Committee	<p>Five (5) members of the Heritage Council being:</p> <p>Chair, Deputy Chair HC, Chair Approvals Committee, Chair Committee & Director HO</p> <p>Member ship 2000</p> <p>Hazel Hawke Michael Collins Jim Barrett Richard Mackay Rosalind Strong</p> <p>Executive Officer- Murray Brown PHO (Heritage Promotion and Community Education)</p>	<p>The functions of the Heritage Council relating to the following matters:</p> <p>Prepare and review HC Strategic Plan.</p> <p>Set medium and long term objectives, priorities and strategies.</p> <p>Includes policies, incentives, budget, finance.</p>	

ANNEXURE A2 - HERITAGE COUNCIL STANDING COMMITTEES AND ADVISORY PANELS

Committee	Terms of Reference	Membership	Delegations
<p>Aboriginal Heritage Committee</p>	<p>To provide advice to the Heritage Council on Aboriginal Heritage and related matters, including ongoing program planning, monitoring and development and implementation.</p> <p>To contribute to and advise the Heritage Council on the development and implementation of Aboriginal Heritage programs funded by the Heritage Council.</p> <p>To ensure appropriate community involvement in the development of culturally appropriate programs which are consistent with the Heritage Council's role in Aboriginal Heritage.</p> <p>To assist the Heritage Council to work with all agencies and community bodies responsible for protecting Aboriginal Heritage in New South Wales.</p> <p>To make recommendations to the Heritage Council on the development of future priorities.</p>	<p>Membership 2000 Evelyn Crawford (Chair) Wayne Carr Ian Woods Mary Lou Buck Col Walker Lynden Coombes - DAA Jason Ardler / Bobby Sutherland - NPWS Elsa Atkin Alan Croker ATSIC – Vacant NSWALC - Vacant</p> <p>Executive Officers - Vince Scarcella Cameron White</p> <p>Principal Heritage Officer - Heritage Promotion and Community Education</p>	

Committee	Terms of Reference	Membership	Delegations
Archaeology Advisory Panel	<p>To assist the Heritage Office to raise standards of, and promote best practice in, archaeological identification, investigation, fieldwork techniques and management</p> <p>To assist the Heritage Office in archaeological policy formation</p> <p>To supplement the Heritage Office's skills and expertise in providing advice relevant to particularly significant sites and situations</p> <p>To help promote accountability in private and public decision making on archaeological matters</p> <p>To help promote community awareness and appreciation of the State's archaeological resources through education and publications</p>	<p>Membership 2000</p> <p>Rosemary Annable (Chair)</p> <p>Caitlin Allen</p> <p>Sarah Colley</p> <p>Peter Douglass</p> <p>Denis Gojak</p> <p>Rodney Harrison</p> <p>Dana Mider</p> <p>Helen Temple</p> <p>Natalie Vinton</p> <p>Executive Officer</p> <p>Caitlin Allen</p> <p>Principal Heritage Officer - Local Government and Heritage Management</p>	

Committee	Terms of Reference	Membership	Delegations
Fire Access and Services Advisory Panel	<p>To advise the Heritage Council on fire safety, access, services and occupational health and safety provisions in heritage buildings.</p> <p>To advise government bodies, local councils and building owners on ways of achieving adequate fire safety, access, services and occupational health and safety provisions without changing the character of heritage buildings.</p> <p>To review existing legislation involving fire safety, access, services and occupational health and safety provisions for heritage building.</p> <p>To promote research into fire resistance of traditional building elements, access to heritage buildings that will not detract from significance, installation of new building services to achieve minimal impact on significance and original fabric, and occupational health and safety provisions in heritage buildings.</p> <p>To educate the general public on fire safety, access, services and occupational health and safety issues in heritage buildings.</p>	<p>Membership 2000</p> <p>Louise Cox Chair Barry Bourke Michael Delichatsios Carol Edds Serge Fijac Trevor Howse Anne Hyam Don Truman Peter Phillips George Lim Jon Mathias Ross Murray Mark Relf Stoyan Rogleff Barry Waite John Whitlock Shane Kelly</p> <p>Executive Officer – Vince Sicari</p> <p>Principal Heritage Officer - Local Government and Heritage Management</p>	

Committee	Terms of Reference	Membership	Delegations
History Advisory Panel	<p>To provide advice on history and heritage to the Heritage Council and Heritage Office.</p> <p>To assist with the development and review of policies, guidelines and briefs for historical heritage work.</p> <p>To assist in reviewing the history components of, and their integration into, conservation and heritage studies and plans for items of state significance.</p> <p>To liaise with the history profession and community concerning history and heritage.</p> <p>To assist in the identification and assessment of the history components of grants programs administered by the Heritage Office.</p> <p>To keep the Heritage Council and Heritage Office apprised of developments in the history field.</p>	<p>Membership 2000</p> <p>Ian Jack (Chair)</p> <p>Joan Kent</p> <p>Ric Shapter</p> <p>Sharon Veale</p> <p>Richard White</p> <p>1 Vacancy</p> <p>Executive Officers-</p> <p>Bruce Baskerville</p> <p>Principal Heritage Officer - State and Commonwealth Heritage Management</p>	

Committee	Terms of Reference	Members 2000	Delegations
Heritage Incentives Committee	<p>To advise the Heritage Council on recommendations to the Minister on the formal provision of grants and loans administered by the Heritage Office</p> <ul style="list-style-type: none"> • The NSW Heritage Conservation Fund • The \$30M Fund <p>To consider and advise the Heritage Council and/or the Heritage Office on other incentives which might assist the conservation of heritage items in NSW.</p>	<p>Joan Templeman, Chair (HC) Mark Andrews - WESROC Elsa Atkin (HC) David Ellis – Ministry of the Arts Carol Liston – past member HC Vacant - LGSA Mary Lyn Taylor (HC) Rosalind Strong (HC)</p> <p>Executives Officers: Dennis McManus And Victoria Throp</p>	

Committee	Terms of Reference	Membership	Delegations
Moveable Panel	<p>To provide advice on movable heritage to the Heritage Council and Heritage Office.</p> <p>To assist with the development and review of policies, guidelines and briefs for movable heritage work.</p> <p>To assist in reviewing the movable heritage components of, and their integration into, conservation and heritage studies and plans for items of significance.</p> <p>To liaise with heritage professional groups and the community concerning movable heritage, including the promotion of its value.</p> <p>To assist in the assessment of the movable heritage components of grants programs administered by the Heritage Office.</p> <p>To advise the Heritage Council, its committees and panels, and the Heritage Office on trends and issues in movable heritage.</p>	<p>Membership 2000 Joan Domicelj AM (Chair) David ellis Lylie Winkworth Lisa Newell Dr James Broadbent Ian Arthur</p>	

Committee	Terms of Reference	Membership	Delegations
Religious Property Advisory Panel	<p>To advise and assist the Heritage Council with overall issues and policy formulation concerning buildings, works, relics and places of heritage significance which are used for religious purposes.</p> <p>To co-ordinate the overall protection and management of buildings, works, relics and places of heritage significance used for religious purposes including alterations to interiors to meet changes to liturgical practices and protection of movable heritage items.</p> <p>To co-ordinate the maintenance and enhancement of the heritage significance of existing buildings, works, relics and places of heritage significance used for religious purposes which are of heritage significance.</p> <p>To assist with the assessment of Heritage Assistance Scheme applications involving buildings, works, relics and places of heritage significance used for religious purposes.</p> <p>To advise on the promotion of heritage conservation and educational matters as they relate to buildings, works, relics and places of heritage significance used for religious purposes.</p> <p>To consider such individual proposals concerning buildings, works, relics and places of heritage significance used for religious purposes as may be referred to the panel.</p>	<p>Membershup 2000 A/Prof Ian Jack (Chair) Hector Abrahams – RAIA Ken Cable Brian Lucas - Catholic Church James Mein - Uniting Church Jyoti Sommerville - National Trust Robert Staas - RAIA Kevin Stoneham - Anglican Church Prof Tong Wu – National Trust</p> <p>Executive Officer – Anthony Mitchel</p> <p>Principal Heritage Officer - Heritage Promotion and Community Education</p>	

Committee	Terms of Reference	Membership	Delegations
<p>Technical Advisory Group</p>	<p>To supplement the skills and expertise of the Heritage Office and the Heritage Council in technical and practical issues of conservation of (principally) built heritage.</p> <p>To steer and monitor the standards of technical advice provided by the Heritage Office and the Heritage Council.</p> <p>To manage and monitor the technical advice process in support of the Heritage Office.</p> <p>To provide technical advice to buildings of State and local significance (directed through the Heritage Office).</p> <p>To raise standards of, and promote best practice in, materials and building conservation generally by:</p> <ul style="list-style-type: none"> • identifying and monitoring common and emerging issues in practical building and materials conservation, • identifying means of improving/developing best practice methods of building repair through targeted education and publications, • liaising with academic and training institutions to encourage training (as identified above), • producing new publications as required and revising existing publications, • to assist in the rationalisation of technical and practical publications and to prevent duplication, • to provide occasional workshops and seminars on specific technical issues (as identified above), • to recommend additional expert panel members. 	<p>Membership 2000</p> <p>Alan Croker (Chair) Dr Donald Ellsmore Dr George Gibbons Dr Don Godden Harry Trueman Anne Warr David Young</p> <p>Executive Officer- Elisha Long Sarah Buckle</p> <p>Principal Heritage Officer - Local Government and Heritage Management</p>	

ANNEXURE A3 - DELEGATIONS TO DIRECTOR

HERITAGE COUNCIL DELEGATIONS TO THE DIRECTOR, HERITAGE OFFICE

The Heritage Council pursuant to sections 21 and 169 of the Heritage Act, delegates to the Person named in Column I of Schedule 2A, the functions of the Heritage Council specified in Column II opposite the Person so named, subject to the conditions and limitations specified in Column III.

Column I	Column II	Column III
Title of Officer	Functions Delegated	Conditions and Limitations
Director, NSW Heritage Office.	A) To carry out the functions of the Heritage Council under s21 of the Act;	Where the item to which the function relates is considered by the delegate to be best managed by the relevant consent authority.
	B) To recommend that the Minister make (or not make) interim heritage orders in accordance with s24;	Where, in the opinion of the delegate, the items are best managed by the relevant consent authority.
	C) To recommend that the Minister authorise (or not authorise) local councils to make interim heritage orders for items in the council's area in accordance with s25;	Where, in the opinion of the delegate, the items are best managed by the relevant consent authority.
	D) To recommend that the Minister grant exemptions from s57 (1) in accordance with s57 (2).	Where the exemptions recommended are in accordance with a Policy for Site Specific Exemptions adopted by the NSW Heritage Council.
	E) To determine whether public notices should be given under s61 of the Heritage Act and to cause such notices to be given;	
	F) To approve under s63 of the Heritage Act applications made under s60 and to vary any conditions of such an approval;	Where the Heritage Council or its delegate has determined that public notice <u>should not be given</u> under s61.
	G) To make recommendations to the Minister or the Chairperson in respect of exercising (or not exercising) his or her function to make an order restricting harm to buildings under s136;	Where, in the opinion of the delegate, the items are best managed by the relevant consent authority.
	H) To determine applications for excavation permits under s140;	Where, in the opinion of the delegate, the relic is not of State heritage significance or where the proposed impact on a relic of State heritage significance is minor.
	I) To vary or revoke excavation permits under s140;	Where the original permit was granted by the delegate.
	J) To consider submissions by councils pursuant to s166 and to recommend to the Minister that	Where the item to which the submission relates

Column I	Column II	Column III
Title of Officer	Functions Delegated	Conditions and Limitations
	action not be taken in respect of a submission. To notify councils in respect of such recommendations, pursuant to section 166 (3).	is considered by the delegate to be best managed by the relevant consent authority.
	K) To comment on Conservation Management Plans on behalf of Heritage Council;	Where, in the opinion of the delegate, the items are best managed by the relevant consent authority.
	L) To request additional information under clause 53 of the EP&A Act Regulation 1994;	Where the delegate is of the opinion that the integrated development application will not materially affect the significance of the item.
	M) To approve under s63 of the Heritage Act and s93 of the EP&A Act, applications made under s60 and to vary any conditions of such an approval.	Where the application conforms with an integrated development approval.
	N) To refuse under s.63 an application under s.60	Where the delegate determines that the application, if approved, would materially affect the significance of that item as an item of the environmental heritage.
	O) To refuse under s.63 of the Heritage Act and s93 of the EP&A Act, an application to vary any condition of such an approval	Ditto
	P) To list an item on, or remove an item from, the State Heritage Register and sign gazette notices giving notice of the action under (s.37(b) or (s.38(3).	The function must be exercised in accordance with a direction of the Minister.
	Q) R) To make an Order under s.136 (emergency order).	Where the delegate considers action is urgent.

HERITAGE COUNCIL DELEGATIONS TO COMMITTEES

CONDITIONS AND LIMITATIONS

A function delegated to the committee **may not be exercised**:

- a) where the Committee Chair or Director of the Heritage Office believes it is important that the Heritage Council as a whole is involved in the decision making
- b) where the exercise of the function involves the establishment or amendment of a policy of the Heritage Council, or would be inconsistent with the aims and objectives of any Heritage Council Policy.

The Committees of the Heritage Council follow the Heritage Council Code of Meeting Practice.