

# Heritage Council of NSW: Advisory Panels Terms of Reference

The *Advisory Panels Terms of Reference* set out the purpose, membership, responsibilities, authority and operations for advisory panels of the Heritage Council of NSW.

These terms of reference are consistent with the *NSW Government Boards and Committee Guidelines* (NSW Department of Premier and Cabinet, 2015), and complement the Heritage Council functions as set out in the *NSW Heritage Act 1977* (Heritage Act) and the membership and procedure provisions in Schedule 2 of that Act.

These terms of reference have been created in reference to the *Heritage Council of NSW Terms of Reference* (adopted 4 May 2023, amended in December 2023).

Members of advisory panels are responsible to abide by the *Advisory Panels Terms of Reference*, in addition to the *Heritage Council of NSW Terms of Reference*.

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## Purpose of the Heritage Council Advisory Panels

Advisory panels are established by the Heritage Council to assist the Council in performing its statutory functions.

The responsibilities of advisory panels are detailed in these terms of reference.

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## Establishment

The Heritage Council is established under the *NSW Heritage Act 1977*.

Under section 21A of the Heritage Act,

- (1) *The Heritage Council may establish committees to assist it in connection with the exercise of any of its functions.*
- (2) *It does not matter that any or all of the members of a committee are not members of the Heritage Council.*
- (3) *The procedure for the calling of meetings of a committee and for the conduct of business at those meetings is to be as determined by the Heritage Council or (subject to any determination of the Heritage Council) by the committee.*

Additionally, under section 169 of the Heritage Act,

- (3) *The Heritage Council may, with the consent of the Minister, delegate to a person, or to a committee established by the Heritage Council, the exercise of any of the Heritage Council's functions, other than this power of delegation.*

Advisory panels are established as a category of committee which has no statutory functions. They have an advisory role only.

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## Authority and Delegations

Advisory panels have no statutory responsibilities or delegated powers.

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## Roles and Responsibilities of Advisory Panels

The role of advisory panels is to provide advice to the Heritage Council and Heritage NSW regarding statutory requirements under the Heritage Act, as and when needed.

Advisory panels provide ongoing, independent expert advice to supplement and enhance the knowledge and experience of the Heritage Council and Heritage NSW. Panel members provide high level expertise and a wide range of skills and experience in their respective specialities on heritage matters, significant sites, and complex issues.

Advisory panels provide advice to the Heritage Council of NSW and Heritage NSW on relevant policy and technical matters, including:

- a. Current and emerging issues in the heritage sector, including industry, professional and community views, and proposed courses of action
- b. The development and review of policies, guidelines and technical papers
- c. Priorities, policies and strategies relating to conservation, management, communication and celebration of heritage items
- d. The identification, recommendation and work on research programs, communication activities and other projects
- e. Promoting best practice in the heritage sector.

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## Responsibilities

### Technical Advisory Panel (TAP)

The Technical Advisory Panel provides expert technical advice to the Heritage Council and Heritage NSW on the conservation and management of heritage items and assets to retain their significance. It is a multi-disciplinary panel of technical experts from a variety of fields, including building conservation, fire safety upgrading, disability access, structural issues, and conservation of building fabric at heritage places.

The Technical Advisory Panel provides advice to the Heritage Council of NSW and Heritage NSW on the following specific matters:

- a. Emerging issues in practical building and materials conservation, including changes to building codes and legislation that may impact heritage properties

- b. Technical conservation and compliance issues at heritage properties, including fire safety provisions, access requirements, upgrading structural adequacy, energy efficiency, sustainable design, materials conservation, building services and alternative ways of satisfying code requirements
- c. Best practice technical standards for heritage buildings, including technical advice on alternative ways of satisfying code requirements while minimising heritage impacts
- d. Material conservation practices
- e. Conservation guidelines and technical papers prepared by Heritage NSW.

## Heritage Advisory Panel (HAP)

The Heritage Advisory Panel provides independent expert advice to the Heritage Council and Heritage NSW in relation to historical archaeology, Aboriginal cultural heritage, history and maritime archaeology, particularly on significant sites and complex issues as they arise.

The Heritage Advisory Panel provides advice to the Heritage Council of NSW and Heritage NSW on the following specific matters:

- a. Identification and promotion of research and nominations of underrepresented historical themes for local, state, national and world listings
- b. Qualitative reviews of select heritage assessments and other reports
- c. Climate change, sustainability, and disaster preparedness.

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## Operation of the Advisory Panels

Advisory panels perform their functions on request or at the direction of the Heritage Council and Heritage NSW, via Secretariat.

Any matters to be raised with the Heritage Council and Heritage NSW are referred via Secretariat.

### Provision of advice and meeting arrangements

Advisory Panels provide advice via circular email by all or some of the members, based on their expertise, with full panel meetings scheduled bi-annually, or when required.

### Reporting

Secretariat provides a written monthly status report to the Heritage Council on matters referred to or raised by advisory panels.

### Secretariat

The Secretariat team of Heritage NSW acts as a central point of contact for advisory panels. It provides governance, business, and administrative support for efficient operation of the panels.

All records, including agenda, meeting minutes and notes, and any reports and advice, will be prepared and kept by Secretariat. Secretariat will coordinate with the panel Chair and Heritage NSW to prepare the agenda when a panel meeting is required.

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## Membership

Advisory panels are appointed by the Heritage Council to provide expert advice to the Council and Heritage NSW. The maximum number of members on the Technical Advisory Panel and the Heritage Advisory Panel is 15 per panel, or as otherwise approved by the Council.

Advisory panels should include at least one member of the Heritage Council. A professional staff member from Heritage NSW should be present at meetings.

## Expertise of Advisory Panel Members

Members of advisory panels have experience and expertise specific to the function of the panel. The diversity of expertise sought for panel membership is to complement a balanced distribution of skills specified under the Heritage Act for members of the Heritage Council:

- Aboriginal heritage
- archaeology
- architecture
- the building, development and property industries
- conservation of the environmental heritage
- engineering
- New South Wales or Australian history
- local government
- moveable heritage
- natural heritage
- planning
- property, planning or environmental law
- property economics
- rural interests
- cultural landscapes

and additional expertise as listed below:

- best practice heritage management
- heritage policy
- interpretation/communications
- cultural tourism

- disaster preparedness
- climate change
- fire safety requirements and protection
- access
- structural upgrading
- building services
- materials conservation
- traditional building techniques
- energy efficiency
- building codes and legislation.

## Chair Responsibilities

The Chair is responsible for:

- a. Serving as the presiding member at meetings of advisory panels
- b. Ensuring that new members understand the terms of their appointment and the business of the Heritage Council and the relevant advisory panel.

## Members Responsibilities

Members are responsible for regularly participating in activities, undertaking tasks and attending meetings of advisory panels. Members are appointed in their own right and do not represent the views of a particular agency or organisation.

## Appointment

Appointment of members to advisory panels is guided by the *Guidelines for Appointment of Members to Committees and Advisory Panels of the Heritage Council of NSW*.

## Term of Appointment

Heritage Council members are appointed to advisory panels for the duration of their term on the Council. Non-Council members are appointed for a term of up to three years, as determined by the Council. A panel member is eligible for re-appointment, for up to six years in total. Members can be re-appointed for additional terms where their specific expertise is considered necessary for the successful operation of the panel. Terms of individual members may be staggered to support the panel's continuity and knowledge exchange.

Once appointed, members will be provided with appropriate documentation as part of onboarding and induction. Each member must acknowledge in writing their acceptance of these documents and declare any conflicts of interest before commencing as a panel member.

## Resignation/Removal

Refer to the Heritage Council of NSW – Terms of Reference.

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## Conduct of Members

Members of advisory panels will abide by the *Heritage Council of NSW Code of Conduct*, which is established consistent with the Department's *Board and Committee Code of Conduct* and the "Conduct of Members" as outlined in the *NSW Government Board and Committee Guidelines*.

Members must read and sign the acceptance of the Code of Conduct on commencement of their appointment to the advisory panel.

## Conflicts of Interest

Conflicts of interest must be disclosed and dealt with by the advisory panel in a transparent way and in accordance with standing Departmental policy, as set out in the *Heritage Council of NSW Code of Conduct*.

Conflicts of interests that cannot be effectively mitigated may lead to a member being removed from membership to the advisory panel.

## Communication With the Media and Third Parties

Views that are publicly expressed by an advisory panel member may be perceived or construed by the broader community as a view of the Heritage Council or of Heritage NSW.

Panel members must not make media comment on matters that could pertain to the business of the Heritage Council. Requests from the media should be referred to the Chair of the Heritage Council for consideration.

General correspondence and enquiries are managed through the Secretariat, Heritage NSW.

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## Remuneration and allowances

### Remuneration

Membership of advisory panels is on a voluntary basis and panel members are not remunerated.

### Out of pocket expenses

Out of pocket expenses are not payable to advisory panel members, unless otherwise approved in advance by Heritage NSW.

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## Review

### Periodic Reporting on Performance

The Heritage Council shall perform an evaluation of the advisory panels' performance and evaluate the level of effectiveness every two years. The evaluation framework will be prepared by Secretariat and endorsed by the Heritage Council, consistent with the Council's evaluation framework.

### Formal Review

Formal reviews are generally undertaken every five years. An external consultant may be engaged by Heritage NSW to assist with the evaluation and review of the performance of the Heritage Council and its committees and panels.

### Review of Advisory Panels Terms of Reference

The Council will review the *Advisory Panels Terms of Reference* annually to ensure it remains consistent with the Council's operation and responsibilities.

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## Agreement

These *Advisory Panels Terms of Reference* are agreed by the Heritage Council of NSW as at 7 August 2024 and remain in force until otherwise amended, replaced, or voided.

**Chair: Frank Howarth AM PSM**



Signature:

Date: 7 August 2024