

# Heritage Council of NSW information pack

## Acknowledgement of Country

Department of Climate Change, Energy, the Environment and Water acknowledges the Traditional Custodians of the lands where we work and live.

We pay our respects to Elders past, present and emerging.

This resource may contain images or names of deceased persons in photographs or historical content.

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Artist and designer Nikita Ridgeway from Aboriginal design agency Boss Lady Creative Designs created the People and Community symbol.

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# Contents

- Introduction 1
- Members of the Heritage Council of NSW 1
- Heritage Council committees and panels 2
  - State Heritage Register Committee 2
  - Approvals Committee 2
  - Grants and Sponsorships Advisory Committee 2
  - Technical Advisory Panel 2
  - Heritage Advisory Panel 2
  - Heritage Council nominee to the Aboriginal Cultural Heritage Advisory Committee (ACHAC) 3
- Term of appointment 3
- Remuneration 3
- Heritage Council meeting dates 3
- Heritage Council procedure 4

# Introduction

The Heritage Council of NSW (the Council), under the *Heritage Act 1977* (the Act), is responsible for providing advice to the Minister having responsibility for the administration of the Act. Part 2, sections 6-23 of the Act, relate to the constitution, membership and role of the Council. The functions of the Council are specified in section 21 of the Act.

## Members of the Heritage Council of NSW

The Heritage Council comprises nine members. Of the members, eight (8) are appointed by the Minister and the remaining member is to be the Deputy Secretary of the Department of Climate Change, Energy, the Environment and Water.

Five of the appointed members are to be persons who, in the opinion of the Minister, possess qualifications, knowledge and skills relating to any of the following areas:

- 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 interest
- cultural landscapes.

One of the other appointed members is to be a person who, in the opinion of the Minister, possesses qualifications, knowledge and skills relating to Aboriginal heritage.

One of the other appointed members is to be a person appointed from a panel of three (3) persons nominated by the National Trust of Australia (New South Wales).

The other appointed member is to be appointed as Chairperson.

# Heritage Council committees and panels

The Heritage Council may establish committees and panels to assist the Council with the exercise of any of its functions.

The State Heritage Register Committee and Approvals Committee exercise delegated decision making power on behalf of the Council. The Grants and Sponsorships Advisory Committee advises the Council on heritage incentives and service delivery programs.

Advisory panels are appointed by the Council to provide expert advice to the Council and Heritage NSW and to facilitate consultation with industry and stakeholders, as and when needed. Members of advisory panels will have experience and expertise specific to the function of the panel.

## State Heritage Register Committee

The State Heritage Register Committee, under delegated authority from the Heritage Council of NSW, makes recommendations to the Minister for the listing of items on the State Heritage Register. It also provides advice to the Council on the significance of heritage places.

## Approvals Committee

The Approvals Committee determines, comments on, or suggests amendments to proposed alterations to SHR listed items under delegation from the Heritage Council of NSW.

## Grants and Sponsorships Advisory Committee

The Grants and Sponsorships Advisory Committee provides advice to the Heritage Council and Heritage NSW on the overall NSW Heritage Grants program and assesses and recommends projects for Ministerial approval as part of the Minister's approved programs.

## Technical Advisory Panel

The Technical Advisory Panel provides expert technical advice to the Heritage Council and staff of Heritage NSW on the maintenance and management of heritage items and assets in ways that retain their significance, as determined by the Council. It is a multi-disciplinary panel of experts in building conservation, fire safety upgrading, disability access, structural issues, and maintenance of building fabric at heritage places.

## Heritage Advisory Panel

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

## Heritage Council nominee to the Aboriginal Cultural Heritage Advisory Committee (ACHAC)

Under the *National Parks and Wildlife Act 1974 No 80*, one member of ACHAC is to be a nominee of the Heritage Council. ACHAC advises the Minister and Heritage NSW on matters relating to the identification, assessment and management of Aboriginal cultural heritage in NSW.

## Term of appointment

Subject to Schedule 9 of the *Heritage Act 1977* and the regulations, an appointed member holds office for a period not exceeding three (3) years but is eligible (if otherwise qualified) for re-appointment.

A member of a Committee or Advisory Panel of the Heritage Council holds office for a period of up to three years, as determined by the Council. A Committee or Panel member is eligible for re-appointment, with a maximum term of up to six years (6) in total.

## Remuneration

The Heritage Council of NSW is classified C3(i) 'Committees which offer independent expert advice to the Minister(s) or Government Agency on specific issues of sectoral significance to the State Classification and Remuneration Framework for NSW Government Boards and Committees – Directive December 2012.

Under this classification, remuneration rates for members of the Heritage Council are set at:

- \$30,000 per annum for the Chair of the Heritage Council of NSW
- \$7,717 per annum for members of the Heritage Council.

Payments can also be processed via invoice, subject to conditions.

## Heritage Council meeting dates

The Heritage Council of NSW meets on the first Wednesday of each month except in January, usually from 9.00 am to 4.00 pm. Meetings are generally held face-to-face at the Heritage NSW Parramatta Square office, with an option for Teams teleconferencing. Offsite meetings are also scheduled from time to time.

The Council also visits a regional area each year to connect with communities outside the metropolitan area.

The State Heritage Register Committee and the Approvals Committee meet monthly, generally on the first Tuesday of each month, before the Council's meeting on the Wednesday.

Advisory Panels operate by referral of matters from the Heritage Council or Heritage NSW or on matters raised by panel members themselves. Generally, matters are considered by all or some of the members, based on the expertise of members.

# Heritage Council procedure

*This section is taken from Schedule 2 Part 3 of the Heritage Act 1977.*

## 11 General procedure

The procedure for the calling of meetings of the Heritage Council and for the conduct of business at those meetings is, subject to this Act and the regulations, to be as determined by the Heritage Council.

## 12 Quorum

The quorum for a meeting of the Heritage Council is a majority of its members for the time being.

## 13 Presiding member

- (1) The Chairperson (or, in the absence of the Chairperson, the Deputy Chairperson, or in the absence of both the Chairperson and the Deputy Chairperson, a person elected by the members of the Heritage Council who are present at a meeting of the Heritage Council) is to preside at a meeting of the Heritage Council.
- (2) The presiding member has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

## 14 Voting

A decision supported by a majority of the votes cast at a meeting of the Heritage Council at which a quorum is present is the decision of the Heritage Council.

## 15 Transaction of business outside meetings or by telephone or other means

- (1) The Heritage Council may, if it thinks fit, transact any of its business by the circulation of papers among all the members of the Heritage Council for the time being, and a resolution in writing approved in writing by a majority of those members is taken to be a decision of the Heritage Council.
- (2) The Heritage Council may, if it thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone, closed-circuit television or other means, but only if any member who speaks on a matter before the meeting can be heard by the other members.
- (3) For the purposes of:
  - (a) the approval of a resolution under subclause (1), or
  - (b) a meeting held in accordance with subclause (2),

the Chairperson and each member have the same voting rights as they have at an ordinary meeting of the Heritage Council.

- (4) A resolution approved under subclause (1) is, subject to the regulations, to be recorded in the minutes of the meetings of the Heritage Council.
- (5) Papers may be circulated among the members for the purposes of subclause (1) by email or other transmission of the information in the papers concerned.

## 16 First meeting

The Minister may call the first meeting of the Heritage Council in such manner as the Minister thinks fit.

## 17 Minutes of meetings

- (1) The Heritage Council must cause minutes of meetings and decisions at each meeting of the Heritage Council to be kept and must furnish the Minister with a copy of those minutes as soon as practicable after each meeting.
- (2) A copy of the minutes furnished to the Minister must be made available by the Heritage Council for public inspection without charge.

The resolutions and minutes of the Heritage Council of NSW meetings are published on the Heritage NSW Website.