



BYRON SHIRE COUNCIL

HERITAGE PANEL

CONSTITUTION

INFORMATION ABOUT THIS DOCUMENT

(INTERNAL USE ONLY)

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Document History

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Further Document Information and Relationships

Related Legislation	Section 355, Local Government Act (1993)
Related Policies	Code of Conduct 2016 Work Health Safety Policy Code of Meeting Practice
Related Procedures/ Protocols, Statements, documents	

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1. Preamble

The Heritage Panel is a Panel of the Council and does not have executive power or authority to implement actions.

The role of the Panel is to provide appropriate specialist advice and recommendations to Council on matters relevant to this Constitution.

2. Purpose

The purpose of the Heritage Panel is to provide support and advice to Council to assist its operations on heritage matters.

Actions of the Heritage Panel that can assist to achieve this include:

- a) Assisting Council in the development of policies and strategies including the preparation of a Heritage Strategy and the management of natural and cultural heritage generally in Byron Shire local government area.
- b) Advising Council staff, the Heritage Adviser and the Council on matters relating to the ongoing implementation of the Heritage Strategy (once completed).
- c) Assisting Council to procure and allocate funding assistance and to recommend projects for which funding should be sought in line with the Heritage Strategy (once completed).
- d) Providing access to the general community to distribute information and for public input into heritage management, eg, to nominate additional properties for assessment of heritage significance.
- e) Advising Council on a range of heritage-related matters which are of interest to the community, in particular, by providing expertise, local knowledge and guidance on heritage matters and in relation to heritage assessments.

3. Timeframe for Panel

The lifespan of the Heritage Panel is four years.

4. Responsible Directorate

This Panel is administered by the Sustainable Environment and Economy Directorate. The Director or their delegate will attend these meetings and minutes will be taken by a member of their staff.

5. Membership

Council must appoint all Panel members. Appointment must take place prior to a member being conferred the responsibilities and rights as set out in this document.

Council may release individual members from the Panel at any time by a resolution of council. Council may also appoint any new members to a Panel at any time by a resolution of council.

Membership is to include:

- 3 Councillors

- 1 representative from each of the Shire's **known** historical societies being:
 - Brunswick Valley
 - Byron Bay
 - Bangalow
 - Mullumbimby
- 1 representative each from the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) and the Tweed Byron Local Aboriginal Council.
- 3 Community representatives
- General Manager (or delegate)

Note: Staff members participating on the Panel do not have any voting entitlements.

6. Induction

All members will be required to participate in an induction process at the establishment of a new Panel, and at any time a replacement voting member joins a Panel. The induction will be scheduled prior to the first meeting of the Panel and will cover topics such as this Constitution, the Code of Meeting Practice, Conflicts of Interest and Code of Conduct.

Replacement voting members will be inducted by experienced Panel members at, or prior to, their first meeting.

7. Quorum

A quorum is to constitute at least half the number of members, two of which are to be Councillors. The General Manager or delegate, who must be a member of staff, is to attend the Panel meeting and is not counted in the quorum for the meeting.

8. Confidentiality

Members of the Panel will, in those circumstances where confidential matters are subject to deliberation, maintain confidentiality.

9. Election of Chairperson

The position of Chairperson is to be elected from Councillors comprising the Panel but only in circumstances where the Mayor elects not to assume the position of Chairperson.

10. Voting

- a) Each member of the Panel (with the exception of staff members) is to have one vote, with the Chairperson to have a casting vote in addition to a deliberative vote.
- b) Members of the Panel who are not Councillors may abstain from voting in any circumstances without such abstention being recorded in the negative.

11. Majority Decision

A majority decision of the Panel requires a majority of elected members to be present and voting on any item subject to the requirements of a quorum being met at the meeting.

12. Convening Meetings

Meetings will be held as required, generally every quarter. An annual timetable of meetings will be prepared in advance, and adopted by Council every October/November for the following 12 months.

A meeting of the Panel may be convened in response to either the direction of the Mayor (or in the Mayor's absence the Deputy Mayor) in written form to the General Manager; or two Councillors in written form to the General Manager, or by resolution of the Council.

13. Agenda Preparation

It is the responsibility of the chairperson to prepare the agenda in consultation with the relevant Director, setting out the terms of business to be considered.

The agenda is an organised list of the business, in order, that will be transacted at the meeting. An agenda for each meeting, containing a brief report on each item, is to be provided to Panel members and available on Council's website at least 7 days prior to the meeting being held.

Each item of business to discuss at the meeting is required to be listed on the agenda and in written form. Verbal reports at the meeting are not an acceptable practice.

For some matters, it will be necessary to attach other relevant information to the agenda to inform and direct discussion. Such information is to be circulated with the agenda.

Panel members may request items for inclusion in future agendas, through the Chair.

14. Conduct of Business

Each item of business is discussed in the order in which it appears on the agenda. No new matters will be introduced at the meeting. New items of business may be included in a future agenda as noted in clause 13 above.

15. Records of meetings

- a) The minutes of meetings are to be circulated to members of the group within 7 days of the meeting so that members can provide feedback through the Chair on the draft unconfirmed minutes.
- b) Any recommendation of a Panel that requires a resolution of Council will be reported to Council through a staff report to Council from the responsible Directorate for the Panel, and the staff report will include as an attachment, a copy of the minutes of the Panel meeting at which the recommendation was made.

16. Absence from Panel Meetings

All Panel members are required to advise the chair when they are unable to attend Panel meetings. The absence of Panel members from the meeting is to be recorded in the minutes. A Panel member (other than the Mayor) ceases to be a member of a Panel if the member:

- a) Has been absent from three consecutive meetings of the Panel without having given reasons acceptable to the Panel for the member's absence, or
- b) Has been absent from at least half of the meetings of the Panel held during the immediately preceding year without having given to the Panel acceptable reasons for the member's absences.

17. Section 377 Delegation

The Panel does not have any delegated functions pursuant to section 377 of the Local Government Act (1993) and does not have the power to direct staff.

18. Meeting Practice

Meetings are to be conducted in accordance with this Constitution and, where required, reference to Council's Code of Meeting Practice.

19. Miscellaneous

- a) **Insurance:** All group members are covered by the public liability policy of Council. This insurance does not preclude the Panel from due diligence and all Council policies must be adhered to.
- b) **Code of Conduct:** All group members to abide by Council's adopted Code of Conduct at all times.
- c) **Pecuniary Interest:** Pecuniary Interest may be defined as an interest that a person has in a matter, as a group member or employee of a company or other body, 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. Such other person includes the spouse or de-facto partner or relative of the group member.

Section 446 of the Local Government Act states that "a member of a council committee, other than a committee that is wholly advisory, must disclose pecuniary interests..."

Even though the Local Government Act provides an exemption to disclose pecuniary interests Council's preference is for all members to declare pecuniary interests where applicable.

- d) **Work Health Safety:** All group members are required to comply with the "Worker Responsibilities" as prescribed in the Work Health Safety Policy.