



HERITAGE
COUNCIL

Working with Western Australians to recognise, conserve, adapt and celebrate our State's unique cultural heritage

COUNCIL CHARTER

Vision

Heritage is integral to the vibrant life and prosperity of Western Australia

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Document Control

Current from	14 July 2017
Version	17.1
For review	July 2017
Officer responsible	Assistant Director General Heritage Services

1. Introduction

The Heritage Council is a statutory authority established by the *Heritage of Western Australia Act 1990* (the Act) to encourage the conservation of places that have significance to the cultural heritage to the State through:

- Providing advice to the Minister for Heritage;
- Developing and maintaining the State Register of Heritage Places;
- Providing and/or facilitating financial or technical assistance or other conservation incentives;
- Helping prevent the destruction, deterioration or damage that have or may have heritage significance or special interest;
- Working with key stakeholders to record, conserve and present places that have cultural heritage significance or special interest;
- Encouraging public interest in, and understanding of Western Australia's cultural heritage; and;
- Providing education and training on heritage matters.

The Heritage Council (the Council) is the governing body or 'board' of the authority whose functions and powers are set out in the Act. It is responsible to the Government of Western Australia, through the Minister for Heritage for overall strategy, governance and organisational performance.

In fulfilling its role, the Council works with and through the Assistant Director General Heritage Services of the Department of Planning Lands and Heritage (the Department), while retaining accountability for governance of the Council.

This Council Charter provides the framework for high standards of governance and clear understandings about the roles and responsibilities of the board and the relationship with the Department.

2. Structure and Composition

The structure and composition of the Council is set out in the Act.

Size

The Council comprises nine persons including the Chair.

Composition/Skills and Expertise

Membership of the Council is specified in section 19 of the Act.

Terms and Appointment of New Members

- The membership of the Council is appointed by the Governor of Western Australia for such terms as recommended of the Minister for Heritage.
- The Act requires the Minister for Heritage to seek nominations for positions on the Council as they become vacant from time to time; namely the positions that represent 'the interests of owners', 'professional organisations having relevant professional skills' and 'the interests of local government'.

Committees

The Council may establish Committees to assist the work of the Council.

Presently the following Committees are in operation:

- Register Committee
- Development Committee
- Executive Committee

The terms of reference and procedures of these Committees are specified in Council's *Internal Delegation Policy*.

3. Roles and Responsibilities of the Heritage Council

In addition to its statutory advisory role to the Minister for Heritage and development referral advice to decision-making authorities, the Council makes decisions about strategy, business plans, policies, projects and expenditure. The principal responsibilities of the Council are:

Strategy and Policy

- i. Setting the Council's strategic vision and strategies, and endorsing the Department's development of corporate strategy and performance objectives relating to the delivery of the Council's functions.
- ii. Approving policies and major projects
- iii. Determining the strategic focus of the Council's Committees.

Compliance and Risk

- iv. Ensuring that effective audit and risk management are put in place by the Department to protect the interests of the Council
- v. Ensuring that actions and decisions of the Council comply with applicable law.

Governance

- v. Determining Council procedures in accordance with the requirements of the Act
- vi. Recommending the appointment of members to the Council's Committees
- vii. Ensuring compliance with the Act, the Council's Charter and the Code of Conduct
- viii. Promoting strong Council performance through induction and training procedures, succession planning and performance review
- ix. Determining delegation policy regarding the Committees and the Department, as set out in the *Internal Delegation Policy*.

Finance and Accountability

- x. Monitoring financial outcomes
- xi. Approving the Council's annual budget, the annual business plan, and the Annual Report.

The Department will submit an annual Business Plan to the Heritage Council for endorsement. The Business Plan will set out the key deliverables (recurrent activities and special projects) consistent with the Strategic Plan and Heritage Council's priorities for the financial year. Once endorsed, the Business Plan forms the "contract" between the Council and the Department for the period. Progress reports will be provided to the Council on a regular basis. Although the Council endorses the Business Plan, responsibility for its delivery and accountability for the resources of the Department, including compliance with relevant Government policies and procedures, rests with the Department.

Decisions Reserved to the Council

xii. Making decisions arising from the statutory functions set out in the Act, including-

- Advising the Minister with respect to registration decisions that are contentious, complex, or have major social or economic impacts on the State or region
- Considering development referrals involving projects with major social or economic impacts on the State or region
- Making a recommendation to the Minister regarding a proposed stop work order or conservation order
- Approving an annual Heritage Grants Program
- Approving Heritage Agreements and other legal instruments.

4. Roles and responsibilities of the Minister, the Chair, and the Department of Planning, Lands and Heritage

The Minister

The role of the Minister is described in section 6 of the Act and also within parts of Act pertaining to specific functions, and in summary:

- 'responsibility for the administration of the Act is vested in the Minister, who shall be advised and assisted by the Council'
- The Minister may 'give to the Council directions of a general character with respect to its functions'
- Power to direct the registration of places, issue Conservation Orders, and certify Heritage Agreements is vested in the Minister
- The Minister may delegate some of his powers and duties to the Chair or other persons.

Regular and open communications are maintained between the Minister and the Heritage Council about the activities, strategies and finances of the organisation. These communications will normally be undertaken by the Chair and Department Executive on behalf of the Council. The direct participation of other Council members may be requested in specific cases.

The Chair

The Chair is appointed by the Governor on the recommendation of the Minister, and has responsibility for:

- Providing effective strategic leadership
- Encouraging high standards of conduct and performance within the Council
- Communicating with the Minister on behalf of the Council
- Representing the views of the Council to the general public
- Acting as mentor to the Executive appointed to support the Council.
- Chairing meetings of the Council
- Controlling Council meeting procedures including agendas and minutes
- Ensuring that the Council takes proper account of guidance provided by any host agency the Council is aligned to within Government.

The Department of Planning Lands and Heritage

The Department of Planning Lands and Heritage supports the Heritage Council and the Minister for Heritage. The Department is responsible for:

- managing its resources in accordance with strategy, plans, budget and delegations approved by the Council or as directed by the Minister
- day-to-day management of the Department's work
- financial control and compliance with relevant Government legislation, policies and procedures
- developing corporate strategies for consideration by the Council
- recruiting and managing staff in accordance with public sector guidelines
- providing regular reports to the Council in an approved form
- business improvement generally.

5. Responsibilities of Individual Councillors

Individual Councillors are appointed by the Governor on the recommendation of the Minister and have responsibility for:

- acting in good faith in the best interests of the authority as a whole, irrespective of which interest group may have nominated them to the Council or of which they may be a member
- supporting the decisions of the Council
- being active advocates for Council decisions and objectives
- adhering to the Council's *Code of Conduct*.

6. Procedures

Frequency of meetings

The Council meets monthly, or at such times as the Council may determine.

Agendas and Minutes

Agendas specifying business to be transacted will be supplied to every member of the board seven days before the date of a meeting.

Minutes of the proceedings of the Council will be kept and will be signed as a correct record by the Chair, once confirmed.

Quorums

A quorum comprises a minimum of 6 Councillors entitled to vote.

Declarations of Interest

The management of conflicts of interest is set out in the Declarations of Interest Policy. Declarations of conflict of interest will be a standing agenda item for all Council and Committee meetings.

Voting

Decisions by resolutions of the Council will normally be made by consensus of the Councillors present as reflected in agreed summing up given by the Chair.

In the event that it is decided to reach of a decision by means of a vote, the Chair of the meeting will be entitled to cast one vote as a member of the Council and, in the event of a tie, shall have a second vote.

Matters considered out of session

The Council may consider matters out of session by circular resolution. Unless otherwise agreed by the Council, the standard protocol is to allow three working days for the circular resolution. If a Councillor advises that they do not support the proposal, then the matter will be referred to a meeting of the Council.

Common Seal

The Common Seal of the Heritage Council may only be affixed to any document in accordance with the *Policy for using the Common Seal*.

7. Performance evaluation

The Council will conduct a comprehensive review of its performance annually as a board, and the performance of individual Council members.

The method of conducting each review will be determined by the Chair from time to time.

8. Review of this Charter

The Council will regularly review this Charter to ensure it remains consistent with its objectives and responsibilities, at least annually.

9. Related Documents

- Internal Delegation Policy (to be reviewed at least annually)
- Code of Conduct for Councillors and Committee Members
- Declarations of Interest Policy
- Policy for using the Common Seal