

ATTACHMENT B

**TERMS OF REFERENCE – CITY OF
SYDNEY PUBLIC ART ADVISORY PANEL –
REVISED SEPTEMBER 2017 (WITH
DELETIONS SHOWN IN ~~STRIKETHROUGH~~
AND ADDITIONS IN *BOLD ITALICS*)**

TERMS OF REFERENCE

CITY OF SYDNEY PUBLIC ART ADVISORY PANEL



The Council of the City of Sydney

Town Hall House
456 Kent Street
SYDNEY NSW 2000

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TERMS OF REFERENCE

CITY OF SYDNEY PUBLIC ART ADVISORY PANEL

1. Purpose

- 1.1 The Public Art Advisory Panel (**PAAP**) has been established to provide the City of Sydney (**the City**) with independent expert advice on public art.
- 1.2 This terms of reference sets out the functions and powers of the PAAP, membership of the PAAP and the operation of the PAAP.

2. Functions & Powers

- 2.1 The PAAP will advise and assist the City (as necessary):
- (a) in the implementation of the City's Public Art Strategy;
 - (b) on the selection and commissioning of new works and the deaccession of existing works;
 - (c) on the assessment of public art proposals in private developments;
 - (d) on requests, gifts, bequests and plaques proposed by the public;
 - (e) on the development of a master plan for public art; and
 - (f) on communication and community engagement processes for public art; and
 - (g) on any other relevant matter as directed by the Council or the Chief Executive Officer (**CEO**).
- 2.2 The PAAP will make recommendations and provide advice to the City on the matters outlined in 2.1 having regard to the City's adopted policies including:
- (a) the City's Public Art Policy;
 - (b) **The City's Creative City cultural policy and action plan;**
 - (c) the City's Contract Policy;
 - (d) the City's Public Domain Policy; and
 - (e) any applicable procurement procedures.
- 2.3 The PAAP will have no power to:
- (a) spend City funds; or
 - (b) make decisions on behalf of the City.

3. Members

- 3.1 Membership of the PAAP will be granted to individuals highly recognised in their profession who:
- (a) have a demonstrated interest in and knowledge of public art matters; and
 - (b) possess the relevant skills and experience to provide independent expert advice.
- 3.2 The PAAP will consist of at least five members.
- 3.3 The City's CEO will appoint members to the PAAP for a term of two years.
- 3.4 The CEO in consultation with the Lord Mayor will appoint a new member if required. Recommendations on the appointments will be made by the Director Design in consultation with the Chief Operating Officer. This will be based on a skill assessment of the existing panel.
- 3.5 If a member resigns from the PAAP during the initial term, the CEO may appoint a replacement member who has similar expertise and skills.
- 3.6 If a public art project requires local knowledge or specific expertise, the CEO may appoint a temporary member to the PAAP for that purpose. A temporary member will have equal voting rights.

4. Chairperson and Deputy Chairperson

- 4.1 The City will nominate and appoint a chairperson **and a deputy chairperson** of the PAAP for an initial term of two years **and reviewed subsequently every two years**.
- 4.2 If the position of chairperson becomes vacant for any reason, the CEO will appoint another chairperson. The new chairperson may be an existing or new member of the PAAP.
- 4.3 ***The deputy chairperson will replace the chairperson when they are not available at meetings. If both the chairperson and deputy chairperson are unavailable, the chairperson will nominate another PAAP member to chair the meeting in advance.*** ~~The City may also appoint a deputy chair.~~

5. Conduct and Disclosure

- 5.1 ***Members must act lawfully and with honour, integrity and professionalism.***
- 5.2 ***Without limiting 5.1 a member who has a pecuniary or non-pecuniary interest in any matter with which the PAAP is concerned must disclose the existence and nature of the interest as soon as practicable.***
- 5.3 ***A member who has a pecuniary interest in a matter with which the PAAP is concerned must not be present at any meeting of the PAAP at which the matter is being discussed, considered or voted on.*** ~~A member who has a pecuniary interest in a matter being considered at a meeting of the PAAP must disclose the existence and nature of the interest. A member having disclosed a~~

~~pecuniary interest must not be present at the meeting when the matter is being considered, discussed or voted on.~~

5.4 A member who has a **significant** non-pecuniary interest in a matter **with which the PAAP is concerned** must disclose the existence and nature of the interest if the member could be influenced, or a reasonable person would perceive that the member could be influenced, by the non-pecuniary interest. A member having disclosed a **significant** non-pecuniary interest must not be present at **any** meeting **of the PAAP at which** the matter is being discussed, **considered** or voted on.

5.5 ***A member who has a non-pecuniary interest where the interest is not significant and does not present a conflict of interest must declare the interest to the meeting and advise the meeting why it is not significant and why it therefore does not present a conflict of interest.***

5.6 ***A disclosure about a pecuniary or non-pecuniary interest must be recorded in the minutes of the meeting.***

6. Meetings

6.1 The PAAP will meet as required at such place and time as notified by the City.

6.2 The City may call an extraordinary meeting of the PAAP with at least fourteen days written notice to all members.

6.3 A quorum of a meeting of the PAAP will be four permanent members.

6.4 No business of the PAAP will be considered unless a quorum is present. If within half an hour from the time appointed for the meeting a quorum is not present, the meeting will be dissolved.

6.5 Questions arising at any meeting of the PAAP will be decided by a simple majority of the votes of the members (including permanent and temporary members). If there are equal votes, the chairperson of the meeting will have the casting vote.

6.6 The chairperson, or if the chairperson is not present, the deputy chair, will preside as chairperson at meetings of the PAAP.

6.7 If the chairperson or deputy chair is not present within ten minutes after the time appointed for the meeting, the members (including permanent and temporary members) may choose one of their number to be chairperson for the purpose of the meeting.

6.8 City officers will attend meetings of the PAAP to take minutes and observe the meetings. City officers will have no voting rights.

6.9 The City officers will take minutes of the PAAP meetings. The minutes will include (without limitation) the following:

(a) attendance;

(b) apologies;

(c) declarations of interest;

(d) delegations of authority; and

(e) a record of all recommendations made by the PAAP.

- 6.10 The City will circulate minutes to all members within seven days of the meeting and all members must confirm the accuracy of the minutes within a further seven days.

7. Reporting

- 7.1 The PAAP will provide a written report on any matter as directed by the City.

8. Review

- 8.1 The terms of reference of the PAAP will be reviewed every four years.