

Attachment F

**Draft Terms of Reference of the Public Art
Advisory Panel**

Terms of Reference Public Art Advisory Panel

1. Purpose

- 1.1 The Public Art Advisory Panel (**the Advisory Panel**) has been established to provide strategic, independent, expert advice, insights, and guidance to the City of Sydney (**the City**) on best practice in public art matters.
 - 1.2 These terms of reference set out the rules that members of the Panel must follow, membership and the operation of the Advisory Panel.
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2. Advice to the City

- 2.1 The Public Art Advisory Panel will advise and assist the City (as necessary) in relation to the matters referred to in 1.1 above and including:
 - (a) the implementation of the City's Public Art Strategy;
 - (b) the selection and commissioning of new works and the deaccession of existing works;
 - (c) the assessment of public art proposals in private developments;
 - (d) requests, gifts, bequests and plaques proposed by the public;
 - (e) the development of a master plan for public art;
 - (f) communication and community engagement processes for public art; and
 - (g) any other relevant matter as directed by the Council or the Chief Executive Officer (CEO).
- 2.2 The Advisory Panel 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) Sustainable Sydney 2030-2050. Continuing the Vision
 - (b) Public Art Policies
 - (c) Creative City Cultural Policy and Acton Plan
 - (d) Contract Policies, and
 - (e) Public Domain Policies
- 2.3 The Advisory Panel will engage, connect, and collaborate with other relevant City Panels, Working Groups and/or Committees as required.
- 2.4 The Advisory Panel provides advice only - No delegation of Power of functions:
 - (a) The Advisory Panel is legally constituted pursuant to individual contracts between the City and its members to supply advisory services to the City;
 - (b) It is not a Council Committee established under the Local Government Act;

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- (c) It has no power or authority, whether by delegation, agency or otherwise to exercise any function, right, duty or power of the City, whether under statute or other law, as a landowner or in any other capacity; and
- (d) the Panel is advisory and decisions are non-binding, a quorum is not required.

3. Members

- 3.1 The City will seek to engage individuals who represent cultural diversity and are highly recognised in their profession and who:
 - (a) have a demonstrated interest in and knowledge of public art matters including curatorial expertise, expertise in art education, artists, architects with a history of working with artists in the public realm, First Nations Curatorial expertise; and
 - (b) possess the relevant skills and experience to provide strategic, independent expert advice, insights, and guidance on public art matters.
- 3.2 The Advisory Panel will consist of at least five and not more than ~~nine~~ ten members.
- 3.3 ~~Members will be engaged for an initial term of two years and reviewed subsequently every two years. Panel member terms will be reviewed every three years following the engagement of members or reengagement of existing permanent members.~~
- 3.4 A person ceases to be a panel member if they:
 - resign; or
 - fail to comply with these terms of reference.
- 3.5 Members may resign by giving written notification to the City.
- 3.6 ~~The CEO in consultation with the Lord Mayor will appoint a new member if required. Recommendations on the appointments will be made by the City Architect/ Executive Manager City Design and Public Art in consultation with the Chief Operating Officer. This will be based on a skill and cultural diversity assessment of the existing panel.~~
- 3.7 ~~If a member resigns from the Advisory Panel during the initial term, the CEO may appoint a replacement member who has similar expertise and skills.~~
- 3.6 If a permanent member resigns from the Advisory Panel, the City may appoint a replacement member who has similar expertise and skills.
- 3.7 The appointment of new or replacement members may be made by the Chief Executive Officer, in consultation with the Lord Mayor. Recommendations of proposed appointments will be made by the City Architect, Executive Manager City Design and Public Art.
- 3.8 Recommendations will be sourced from a pool of candidates created through an open Expression of Interest. Candidate selection will be assessed against the requisite panel member skills identified in the Terms of Reference.

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- 3.9 If the requisite skills are not available in the candidate pool the appointment of new or replacement members may be made by the Chief Executive Officer, in consultation with the Lord Mayor.-Recommendations of proposed appointments will be made by the City Architect, Executive Manager City Design and Public Art.
- 3.10 If a public art project requires local knowledge or specific expertise, the CEO may appoint a temporary member to the Advisory Panel for that purpose. A temporary member will have equal voting rights and be remunerated at the same rate as existing Panel members.
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4. Chairperson and Deputy Chairperson

- 4.1 The City CEO in consultation with the Lord Mayor will nominate and appoint a Chairperson and a Deputy Chairperson of the Advisory Panel ~~for an initial term of two years and reviewed subsequently every two years.~~ at the beginning of each Panel term.
- 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 Advisory Panel.
- 4.3 The Chairperson or their nominated representative from the Advisory Panel will accept appointment to the City's Design Advisory Panel. -
- 4.4 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 Advisory Panel member to chair the meeting in advance. If the Chair is unavailable or is unable to nominate a temporary Chair, the Panel members present shall elect a temporary Chair at the commencement of the meeting.
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5. Conduct and Disclosures

- 5.1 Members must act lawfully and with honour, integrity and professionalism and comply with the City's Code of Conduct.
- 5.2 Without limiting 5.1 a member who has a pecuniary or non-pecuniary interest in any matter with which the Advisory Panel 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 Advisory Panel is concerned must not be present at any meeting of the Advisory Panel at which the matter is being discussed, considered, or voted on.
- 5.4 A member who has a significant non-pecuniary interest in a matter with which the Advisory Panel 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 Advisory Panel at which the matter is being discussed, considered, or voted on. A significant non-pecuniary interest generally relates to interests of close family relations, close business or friendships or strong affiliations with an organisation, sporting body or club.

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- 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 any pecuniary or non-pecuniary interests must be recorded in the minutes of the meeting.
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6. Meeting Procedures

- 6.1 The Advisory Panel will meet at such place and time as notified to the members by the City. It is expected that it will meet approximately ten times a year on dates and at places to be set out in advance for each year.
- 6.2 The City may call an extraordinary meeting of the Advisory Panel with at least three days written notice to all members.
- 6.3 Councillors and staff of the City may attend the meetings as observers or specialist advisors.
- 6.4 Questions arising at any meeting of the Advisory Panel 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.
- 6.5 The Chairperson will preside as Chairperson at every meeting of the Advisory Panel unless they are unavailable, in which case, clause 4.4 applies. -
- 6.6 If the Chairperson or Deputy Chairperson 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.
- 6.7 City officers will attend meetings of the Advisory Panel to take minutes and observe the meetings. City officers will have no voting rights.
- 6.8 City officers will take minutes of the Advisory Panel 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 Advisory Panel.
- 6.9 The City will circulate minutes to all members present within seven days of the meeting and all members must confirm the accuracy of the minutes within a further seven days.

7. Consideration by the Panel and Providing Advice

- 7.1 Advisory Panel will provide a written report on any matter as ~~directed~~ requested by the City.
- 7.2 Individual Panel members may be engaged by the City to provide advice to City staff on specific projects and are required to report back to the full Panel on their review. The Advisory Panel may also recommend a member reviews a specific project and reports back to the full Advisory Panel.
- 7.3 The approved meeting minutes are the report of the Advisory Panel.
- 7.4 The approved meeting minutes include advice sheets on specific projects reviewed by the Advisory Panel. Advice sheets will be made available to the City and to relevant proponents.
- 7.5 Summaries of advice provided by the Advisory Panel in relation to particular applications may be included in Council reports.

8. Review

- 8.1 The terms of reference of the Advisory Panel will be reviewed ~~every two years~~ at the end of each term.

9. Remuneration

- 9.1 Panel members will be paid sitting fees for attending the Panel meetings. Government, peak bodies, and large business representatives may be asked to opt out.