

# World Heritage Steering Committee for the Royal Exhibition Building and Carlton Gardens Terms of Reference

## Terms of Reference





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## Acknowledgment

We acknowledge and respect Victorian Traditional Owners as the original custodians of Victoria's land and waters, their unique ability to care for Country and deep spiritual connection to it. We honour Elders past and present whose knowledge and wisdom has ensured the continuation of culture and traditional practices. We are committed to genuinely partner, and meaningfully engage, with Victoria's Traditional Owners and Aboriginal communities to support the protection of Country, the maintenance of spiritual and cultural practices and their broader aspirations in the 21st century and beyond.

## Author

World Heritage Steering Committee for the Royal Exhibition Buildings and Carlton Gardens (Steering Committee)

Document prepared by Heritage Victoria, 2 Lonsdale Street, Melbourne 3000

## Photo credit

Roberto Seba

## Change Control

Version	Date of issue	Author	Description of Changes
1	26 July 2022	Heritage Victoria for Steering Committee	Initial document
2	16 March 2023	Heritage Victoria for Steering Committee	Content updated to reflect changes approved by the Minister for Planning on 14 February 2023 and Machinery of Government changes that came into effect on 1 January 2023
3	14 September 2023	Heritage Victoria for Steering Committee	Protocols and forms relating to a hearing on a draft World Heritage Management Plan appended

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## Purpose of this document

1. The purpose of this document is to support robust, transparent, equitable and accountable governance of the Royal Exhibition Building and Carlton Gardens and ensure that the structure, functions and authorising environment of the Steering Committee are strong and meet the requirements of the United National Educational, Scientific and Cultural Organisation (UNESCO) and the expectations of the community.

## Introduction

### Name of the Steering Committee

2. The Steering Committee is to be known as the World Heritage Steering Committee for the Royal Exhibition Building and Carlton Gardens ('REB&CG Steering Committee' or 'Steering Committee' if it is clear which committee is being discussed).

### About the Steering Committee

3. The Steering Committee was established in 2004 under the *Heritage Act 1995*. It operates in accordance with the *Heritage Act 2017* (Heritage Act).<sup>1</sup> The Heritage Act requires a steering committee to be appointed for each place in Victoria that has been inscribed on the UNESCO World Heritage list and included in the Victorian Heritage Register. The Royal Exhibition Building and Carlton Gardens (REB&CG) was inscribed on the World Heritage List in 2004 and is included in the Victorian Heritage Register as H1501. Members are appointed by the Minister for Planning (the Minister).
4. The Steering Committee is classified as a Group C2 organisation<sup>2</sup> in the Department of Premier and Cabinet's Appointment and Remuneration Guidelines <https://www.vic.gov.au/guidelines-appointment-remuneration>. This classification means it is a body established by legislation to investigate/monitor and advise/report to Government on issues considered to be of importance within the portfolio or where there is a high degree of concern within certain sections of the community. Information relating to the Steering Committee must be kept up to date in the Victorian Public Sector Commission's Government Appointments and Public Entities Database (GAPED).<sup>3</sup>

### Role and Responsibilities of the Steering Committee

5. The role of the Steering Committee is to protect and communicate the diverse heritage values of the Royal Exhibition Building and Carlton Gardens, and advocate for financial investment in, and sustained management of, the site and its surrounds for all communities, now and into the future.
6. The Steering Committee facilitates collaborative and coherent site management of the REB&CG, and advocates for effective and consistent management of the World Heritage site and the World Heritage Environs Area (WHEA) 'buffer zone', in accordance with the World Heritage Management Plan (WHMP).
7. The Steering Committee may commission experts or advisors to assist in the discharge of its responsibilities.
8. The functions of the Steering Committee are set out in the Heritage Act:<sup>4</sup>
  - (a) to prepare a WHMP for the listed place; and
  - (b) to assist in the implementation of an Approved WHMP for the listed place; and
  - (c) to report as required by the Minister on the carrying out of its activities.
9. The Steering Committee will document how it will fulfill its functions in its Strategic Vision.
10. The Steering Committee may regulate its own proceedings, subject to the membership and quorum requirements set out in the Heritage Act.

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<sup>1</sup> s. 181(1) of the *Heritage Act 2017* (Vic)

<sup>2</sup> Letter from the Minister for Planning to the Premier of Victoria, 2009, BMIN00403; file no. PL-HE/05/0152

<sup>3</sup> <https://www.vic.gov.au/guideline-maintaining-data-about-victorian-entities-and-appointments>

<sup>4</sup> s. 182 of the *Heritage Act 2017* (Vic)

## Membership

### Membership Requirements

11. The Heritage Act requires the Minister to appoint a steering committee for the REB&CG. The steering committee must include the following members<sup>5</sup>:
- the Executive Director of Heritage Victoria who is the Chairperson; and
  - if the listed place is Crown land or land vested in a Minister or public authority, any persons who are responsible for the management of the listed place and who are appointed by the Minister; and
  - in the case of any listed place on other land, any person who is the owner or occupier or is concerned in the management of the listed place and who is appointed by the Minister; and
  - any other persons that the Minister considers appropriate.

### Membership

12. When first established, the Steering Committee consisted of three members. Members included the Executive Director, Heritage Victoria, and representatives from Museums Victoria and City of Melbourne, both of which have management responsibilities for Crown land or land vested in a public authority. In accordance with the 2013 WHMP, membership was expanded to include two non-voting community advisers. These advisers represent the City of Yarra, which manages part of the WHEA buffer zone around the REB&CG, and the National Trust of Australia (Vic). Work to revise the 2013 WHMP identified the need to expand voting rights to all members to further strengthen governance of the Steering Committee and ensure those appointed as community advisors can contribute equally to decisions. Voting rights were extended to all members by the Minister for Planning on 14 February 2023.
13. The Steering Committee consists of –
- the Executive Director, Heritage Victoria (Chairperson)<sup>6</sup>
  - a representative from City of Melbourne<sup>7</sup>
  - a representative from Museums Victoria<sup>8</sup>
  - a representative from City of Yarra<sup>9</sup>
  - a representative from the National Trust of Australia (Victoria)<sup>10</sup>
14. Further changes to membership may be indicated from time to time in the Strategic Vision.

### Recruitment and Selection

#### The Chair and persons appointed to act for the Chair

15. The Heritage Act specifies that the Chair is the Executive Director of Heritage Victoria. The Executive Director is automatically appointed a member of the Steering Committee and the role of Chair forms part of the Executive Director's legislative responsibilities.
16. The process for appointing a person to act for the Chair differs to the process for other members. Persons with delegated authority to act as the Executive Director (for example, during a period of leave) may act as Chair of the Steering Committee. Under section 20 of the Heritage Act, the Executive Director may also, by instrument, delegate the role of the Steering Committee to a specific officer or employee.<sup>11</sup> If a person from Heritage Victoria is appointed, by instrument, to act for the Chair, the delegation should be recorded in the minutes of the Steering

<sup>5</sup> s. 181(2) of the *Heritage Act 2017* (Vic)

<sup>6</sup> s. 181(2)(a) of the *Heritage Act 2017* (Vic)

<sup>7</sup> s. 181(2)(b) of the *Heritage Act 2017* (Vic)


<sup>8</sup> s. 181(2)(b) of the *Heritage Act 2017* (Vic)

<sup>9</sup> s. 181(2)(d) of the *Heritage Act 2017* (Vic)

<sup>10</sup> s. 181(2)(d) of the *Heritage Act 2017* (Vic)

<sup>11</sup> Refer to the Victorian Public Sector Commission for a template for the Instrument of Delegation:

<https://vpsc.vic.gov.au/wp-content/pdf-download.php?postid=22781> or see previous papers relating to Instruments of Delegation.



Committee and Heritage Victoria delegations should be updated to reflect the appointment. The delegation would apply under the following circumstances:

- (a) if the holder of the office is or will be absent or, for any other reason, unable to perform the functions and duties of the office; or
  - (b) if the holder of the office is or will be, for any reason, unable to perform a particular function or duty on a particular occasion or in relation to a particular matter, to perform that function or duty on that occasion or in relation to that matter; and
  - (c) if the delegated staff member or Secretariat of the Steering Committee receives notice from the Chair or Acting Chair that these circumstances apply; and
  - (d) the notice specifies the period in which these circumstances apply.
17. The delegation would be valid from the date it is approved by the Executive Director until such time as it is amended or revoked or immediately on the departure of the staff member from Heritage Victoria.
18. If the circumstances outlined in (a) or (b) above also apply the delegated staff member, the delegation reverts to any person given the delegation to act in the role of Chief Executive of Heritage Victoria.

### Members representing a specified organisation

19. The City of Melbourne and Museums Victoria are represented on the committee under section 181(2)(b) of the Heritage Act, which states that any person who is responsible for land that is Crown land or vested in a public authority and appointed by the Minister will sit on the steering committee for a listed place. In 2013, two community advisors were appointed to represent the National Trust and City of Yarra respectively, in accordance with the recommendations of the 2013 WHMP and section 181(2)(d) of the Heritage Act.
20. Organisations should consider whether more than one member is required to ensure that the organisation is represented at all times.
21. When nominating a member to represent it, the nominating organisation must ensure all internal approvals are obtained. When making a nomination, organisations should review the Appointment and Remuneration Guidelines <https://www.vic.gov.au/guidelines-appointment-remuneration> and note that:
- Proposed members should reside in Victoria.
  - No less than 50 per cent of all new appointments should be women.
  - Appointments should, as far as practicable, reflect the diversity of the Victorian community.

### Other members


22. The Chair must develop and maintain a skills matrix to inform the filling of vacancies and to assist succession planning. Should recruitment of additional members be required to provide specific skills, appointments should comply with the Appointment and Remuneration Guidelines <https://www.vic.gov.au/guidelines-appointment-remuneration>.

### Approving an Appointment

23. Section 181(1) of the Heritage Act requires the Minister to appoint a steering committee for each place in Victoria inscribed on the World Heritage list and included in the Victorian Heritage Register. The appointment of members is exempt from Cabinet approval.
24. On 26 March 2020, the Minister for Planning partially delegated responsibility for appointments to the Steering Committee.<sup>12</sup> The delegation is held by the Executive Director, Planning Implementation and Heritage, and the Deputy Secretary, Planning, both of the Department of Transport and Planning (DTP) The delegation applies

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<sup>12</sup> MBR041895, 26 March 2020. A previous delegation made in September 2017 to the Executive Director of Heritage Victoria expired as it was made under the *Heritage Act 1995* (Vic) and the Heritage Act had no transitional provisions to allow the delegation to continue. The current delegation was prepared to avoid perceptions of conflicts of interest arising from the Executive Director of Heritage Victoria's position as Chair of the Steering Committee.



where the appointment replaces a member of an organisation that the Minister has already approved as a member. These organisations include:

- Heritage Victoria
- The National Trust
- City of Yarra
- Museums Victoria
- City of Melbourne

- 25.** New members from other organisations not included in the delegation require approval from the Minister. Where possible, briefings to the Minister on appointments should take place at least six months before a vacancy needs to be filled. Submissions for new appointments must include the reasons for the selection of the candidate and indicate how the appointment will affect the gender composition of the committee. The Minister or the delegated representative should be given the opportunity to contribute to the selection of candidates.
- 26.** Before membership can be approved, all relevant checks required by the Appointment and Remuneration Guidelines <https://www.vic.gov.au/guidelines-appointment-remuneration> must be completed (see the guidelines for the relevant forms). These include:
- A satisfactory Declaration of Private Interests (to the satisfaction of the Minister or delegate)
  - a National Personal Insolvency Index check
  - an Australian Securities and Investment Commission banned and disqualified persons check.

### Term of Appointment

- 27.** The Chair is the Executive Director of Heritage Victoria. The role of Chair is part of the legislative requirements of the serving Executive Director.
- 28.** Members other than the Chair are to be appointed for a three-year, renewable period. Where memberships are to be renewed, the process should begin six months in advance of expiry. There is no limit on the number of times the membership of a member may be renewed, should the Minister or the Minister's delegate support the renewal.

### Termination of Appointment

- 29.** With the exception of the Chair, members may resign at any time. For members appointed to represent an organisation, membership ends if the member leaves the organisation they were appointed to represent. Where possible, members should give advance notice to the Chair if a replacement member is likely to be required. In other cases, termination of an appointment and a decision on whether to renew membership of an existing member is at the discretion of the Minister.

### Duties of Members

#### Meeting Attendance

- 30.** Members must attend meetings whenever possible.
- 31.** Members are required to attend a minimum of seventy-five per cent of all meetings in any given financial year. This requirement is set out in the Appointment and Remuneration Guidelines <https://www.vic.gov.au/guidelines-appointment-remuneration>.
- 32.** If a member is unable to attend, the member should advise the secretariat or Chair as far in advance as possible. Meetings may be moved if a quorum cannot be achieved. An attendance register should be maintained and reviewed during an annual audit and information on attendance published annually.
- 33.** Members may be required to attend hearings in years when the WHMP is being reviewed.



## Authorised Spokesperson

34. The Chair is the authorised spokesperson for the Steering Committee. The Chair may appoint another member of the Steering Committee as spokesperson on a specified matter.

## Code of Conduct

35. Members are to abide by the Victorian Public Sector Commission's Code of Conduct for Directors of Victorian Public Entities.<sup>13</sup>

## Conflicts of Interest and Duty

36. Conflicts of interest should be a standing item on the agenda at the start of each meeting. Conflicts arising during a member's term of appointment should be declared at the beginning of each meeting or when the conflict arises via the Chair.
37. Conflicts of interests can be actual, potential, or perceived. Conflicts of duty can occur when a member's substantive role conflicts with its role on the Steering Committee. If such conflicts arise, consider whether it is generally in the public interest for the person to be involved in the matter in relating to the Steering Committee or in their substantive role. Contact the DTP governance team for further advice if required.<sup>14</sup> The Victorian Public Sector Commission's Conflicts of Interest and Duty Guidance for Directors<sup>15</sup> provides advice on how to identify, avoid and manage conflicts of interest and duty. In the case of any inconsistency between the policies and guidance of Steering Committee documents and other management documents relating to the REB&CG, the approved WHMP takes precedence.

## Time commitments

38. Some years will require greater time commitments than others from members. Time commitments are likely to be lower in years when the WHMP is not being revised. As a general indication, members may expect to be required to commit approximately six days' work per year. Work will include attendance at a minimum of four meetings per year and attendance at hearings when required.

## Voting Rights

39. All appointed members may move a motion.
40. The Minister for Planning confirmed that all members have the right to vote effective from 14 February 2023.<sup>16</sup>
41. In the event that more members are appointed and one organisation is represented by more members than other organisations, each represented organisation will be granted the equivalent number of votes to maintain equal representation.
42. In the event of a split decision, the Chair has the casting vote.
43. Where a decision is required by the Steering Committee at short notice, a decision may be made with written confirmation of support from all members or their appointed alternates.

## Budget


44. DTP is responsible for providing the budget to cover for remuneration costs and reasonable out-of-pocket expenses incurred by members of the Steering Committee in the course of their duties.
45. As a guide, budgets relating to membership should allow for a minimum of six days' work per paid member per year. Work includes attendance at a minimum of four meetings per year and attendance at hearings when

<sup>13</sup> <https://vpsc.vic.gov.au/resources/code-of-conduct-for-directors/>

<sup>14</sup> Email the Governance Team (DTP) on [governance@delwp.vic.gov.au](mailto:governance@delwp.vic.gov.au).

<sup>15</sup> <https://vpsc.vic.gov.au/resources/conflict-of-interest-and-duty-guidance-for-directors/>

<sup>16</sup> BMIN-1-23-14730



required. Expenses should be kept to a minimum where possible through measures such as holding meetings online.

46. DTP will support the Steering Committee by providing Secretariat services and by contributing to the Working Group.
47. Member organisations may provide support to the Steering Committee by contributing to the Working Group and may contribute funding to revise all or any part of the WHMP.
48. The Steering Committee will document its planned approach to other budget matters including plans for securing funding and reviewing funding matters in its Strategic Vision and other relevant documents.

## Remuneration and Expenses

49. All appointees, whether remunerated or unremunerated, are eligible to be reimbursed for reasonable out-of-pocket expenses through the payroll system through the submission of a Committee member claim form.
50. Public sector employees serving on the committee are not eligible for remuneration where membership is a requirement of their substantive position or is undertaken in the course of their usual duties for their role. This includes employees appointed as members from Heritage Victoria and Museums Victoria.
51. Members outside of the Victorian Public Services are eligible for payment according to the Department of Premier and Cabinet's Appointment and Remuneration Guidelines. This includes the National Trust, City of Melbourne and City of Yarra. Any payment would be made to the organisation that the member represents, as required by the Appointment and Remuneration Guidelines.
52. Remuneration is approved by the same decision-maker that approves the appointment. This means the approval of the Minister is required for payment to any member appointed outside of the Victorian Public Service. Approval should be sought at the time of appointment where possible. Payment to all eligible members was approved by the Minister for Planning effective from 14 February 2023.<sup>17</sup>
53. The Minister for Planning confirmed the committee is a Group C2<sup>18</sup> organisation in 2009. For the current fees payable for Group C2 organisations, refer to the Appointment and Remuneration Guidelines <https://www.vic.gov.au/guidelines-appointment-remuneration>.

## Meetings

### Frequency

54. The Steering Committee shall meet at least four times per year. Additional meetings may be required. An eighteen-month schedule with dates and times for ordinary meetings should be confirmed at the start of each meeting and reconfirmed in full at the start of each calendar year to support full attendance. Dates may be altered if a quorum cannot be achieved. Extraordinary meetings may be scheduled as and when required.

### Format

55. Meetings should be held virtually or via teleconference where possible to minimise expenses. Meetings in person can be held at any convenient location. Agendas and papers should be circulated to members at least one week in advance.

### Quorum

56. A quorum is constituted by a majority of members.<sup>19</sup>

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<sup>17</sup> BMIN-1-23-14730

<sup>18</sup> Letter from the Minister for Planning to the Premier of Victoria, 2009, BMIN00403; file no. PL-HE/05/0152

<sup>19</sup> s. 181(3) of the *Heritage Act 2017* (Vic)

## Attendance of Observers, Advisors and Guests

57. Observers and advisors may attend meetings with the agreement of the Chair. Other guests and advisors may be invited to attend and provide advice to the committee. Invited guests, observers and advisers attend at their own cost unless otherwise approved by the Chair.
58. The Steering Committee may invite attendees from agencies such as the Commonwealth Government, UNESCO, the Heritage Council, other World Heritage Steering Committees, or other relevant experts or organisational representatives from time to time to facilitate professional experience and skill sharing on National and World Heritage matters.

## Secretariat Support

59. Heritage Victoria will serve as the Secretariat for the Steering Committee. Heritage Victoria will provide secretariat support by:
  - coordinating meeting dates, attendance, and attendance information.
  - liaising with the Chair and members to develop agendas.
  - collating and circulating meeting invitations and papers.
  - taking and circulating meeting notes.
  - managing the appointment of new members and the renewal of membership.
  - maintaining committee information on the Heritage Victoria website.
  - maintaining the Terms of Reference.
  - processing committee reimbursements and payments, where required.
  - supporting the review and implementation of the WHMP in association with the Working Group.
  - maintaining the Engage Victoria website (or similar engagement platform) during WHMP reviews.
  - calling for, coordinating and acknowledging submissions on Steering Committee documents.
  - coordinating any WHMP hearings held in relation to submissions on Steering Committee documents.
  - establishing and maintaining the Steering Committee inbox in consultation with members, as required.
  - maintaining a focus on the Terms of Reference, Strategic Vision and action lists.
  - providing advice to assist the Steering Committee to discharge its roles and responsibilities.
  - supporting reporting and periodic reporting to the Minister, DAWE and the World Heritage Committee, as required.

## Sub-Committees

60. Members of the Steering Committee may form one or more sub-committees to consider specific matters of business in detail. Sub-committees may include appointed members of the Steering Committee. External parties may be co-opted where required, with approval from the Steering Committee. Sub-committees should be guided by terms of reference set by the Steering Committee. Sub-committees may make recommendations to the Steering Committee for adoption at a meeting or by approval from the Chair. The Steering Committee may delegate specific decisions to the sub-committee with agreement from all members.

## Working Group

61. The Working Group is a group that meets approximately once per month or as required by the business of the Steering Committee. It is coordinated and chaired by officers from Heritage Victoria. Members are officers from the organisations represented on the Steering Committee. It is the responsibility of each organisation represented on the Steering Committee to arrange for a Working Group member to support the Steering Committee member and to meet the time commitments required. Members may be the same as or different from members of the Steering Committee. The Working Group will support the work of the Steering Committee by:
  - assisting in the implementation of Steering Committee actions.
  - providing relevant information to assist the Steering Committee in its deliberations.
  - supporting the briefing of the Minister on Steering Committee matters, as required.
  - facilitating updates to Steering Committee documents including the WHMP.
  - assisting the Steering Committee to operate in accordance with legislation, the Approved WHMP, the Strategic Vision and associated action lists.

- reviewing and responding to issues raised in submissions on Steering Committee documents.
- reviewing and advising on issues that may affect heritage values of the REB&CG.
- reviewing, advising on, and responding to queries received through the consultation inbox.
- supporting the appointment of members to the Steering Committee, as required.
- supporting reporting and periodic reporting to the Minister, DAWE and World Heritage Committee, as required.

## Communication<sup>20</sup>

### How can community members contact the Steering Committee?

**62.** The Steering Committee recognises the roles of stakeholders and the community in the conservation of the REB&CG. To provide a means of involving communities in the management processes, it will establish, publish and maintain an email address to facilitate communication between the Steering Committee and community members on matters relating to the REB&CG. If individual members receive communication relating to the REB&CG that relates to a Steering Committee matter, members may refer the matter on to the Steering Committee email address. Responses will be made on behalf of the Steering Committee as a whole, following discussion by members where required. Matters raised by members of the community may be included as a standing agenda item. The Steering Committee may delegate responses to a community enquiry or concern, to one or more of the Working Group members or to the Secretariat.

### How should members communicate with each other on issues affecting the REB&CG?

- 63.** To support coordinated management, members should advise the Steering Committee via the Secretariat or the Chair as soon as possible of any actions or issues they consider have potential to impact or may be perceived to impact any identified heritage values of the REB&CG or the WHEA. Recent or upcoming actions or issues affecting heritage values may be included as a standing agenda item.
- 64.** For actions or issues that have potential to impact on National or World Heritage values, members may seek advice or support from the Steering Committee for their organisation when determining whether an action should be referred to the Commonwealth under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act). The Steering Committee may choose to refer an action to the Commonwealth, where it sees fit. The Steering Committee may delegate such reviews to any sub-committee established for this purpose. Recommendations of the sub-committee may be progressed with the approval of the Chair. The Steering Committee may seek external expert advice to assist with determining its position on matters affecting heritage values of the REB&CG.

### How should the Steering Committee communicate with other World Heritage Agencies?

**65.** The Steering Committee will establish and maintain regular communication with the DAWE on matters concerning the World Heritage listing of the site. The Steering Committee may invite attendees from DAWE and other World Heritage agencies from time to time to facilitate professional experience and skill sharing on National and World Heritage matters. The Steering Committee will support the preparation of a Periodic Report to the World Heritage Committee every six years or as required.

## Reporting

### Strategic Vision and Annual Audit

**66.** The Steering Committee shall prepare a strategic vision every three years to guide its activities. To support accountability and transparency, the Steering Committee shall undertake an annual audit which will include a review and an update of its strategic actions.

<sup>20</sup> Plans to prepare a communication plan may result in this a review of this section.



## Periodic Reporting to the World Heritage Committee

67. The Steering Committee will support the preparation of a Periodic Report by DAWE to the World Heritage Committee every six years or as required. It will take into account any Action Plan or recommendation arising from the reporting process.

## Reporting to Minister

68. The Steering Committee will report to the Minister on its activities and any relevant matters relating to the REB&CG and WHEA when required and not less than once per year. Relevant matters may include but are not limited to reporting on priority projects, budget and funding.

## Information about the Steering Committee to be made Publicly Available

69. The World Heritage Management plan must be made available on the Heritage Victoria website <https://www.heritage.vic.gov.au/>. The following information should be available on the website, where possible:

- Minutes
- Terms of Reference
- Strategic Vision
- Reports to the Minister
- Annual audit results
- Periodic reports to the World Heritage Committee
- A list of committee members
- Information on organisations represented by members
- Agreements relating to the management of the place including memorandums of Understanding and bilateral agreements.
- an email address that can be used to contact the Steering Committee

70. During a review of the WHMP, information on the review should be maintained on the Engage Victoria or other relevant website throughout the review process

## Adoption and Review of Terms of Reference

71. Terms of Reference should be proposed by the Chair and adopted on receipt of support by a majority of members. Terms of Reference should be reviewed every three years or sooner if required.



## Appendices



## WHMP Protocol 1: Hearings and Determination

This protocol outlines the World Heritage Steering Committee for the Royal Exhibition Building and Carlton Gardens ('the Steering Committee') process for considering submissions, conducting any hearing and making a determination in relation to a draft World Heritage Management Plan (WHMP) in accordance with Part 9, Division 3 of the *Heritage Act 2017* (the Act). Any hearing will ordinarily follow the steps and timeframes set out below, although the steps and timeframes may be subject to change at the direction of the Steering Committee.

### 1. Submission on a draft World Heritage Management Plan

- 1.1 Any person or body can make a written submission to a Steering Committee in relation to a draft World Heritage Management Plan on or before the submission date for the draft plan [s.185(1)].
- 1.2 A written submission may include a request for a hearing before the Steering Committee in relation to the submission [s.185(2)].
- 1.3 The Steering Committee must consider a submission in relation to a draft World Heritage Management Plan that is received on or before the submission date for the draft plan [s.186(1)].
- 1.4 The Steering Committee may:
  - (i) Request the person making a submission for more information relating to the submission [s.186(2)(a)]; or
  - (ii) Conduct a hearing in relation to the draft plan [s.186(2)(b)]; or
  - (iii) Consider the draft plan and submissions without a hearing [s.186(2)(c)].

### 2. Before the Hearing

#### 2.1 Hearing Notification & Directions

- 2.1.1. If the Steering Committee determines to conduct a hearing, it will notify the following people and organisations that a hearing will be held:
  - (i) any person who, in making a submission in response to the draft World heritage Management Plan, stated that they wished to participate in the hearing;
  - (ii) the person who requested the hearing; and
  - (iii) any person who the Steering Committee allows in order to inform itself [s.181(4)].
- 2.1.2. The Steering Committee may issue written directions on procedural matters prior to a hearing to ensure the efficient and effective running of the hearing [s.181(4)].
- 2.1.3. The Steering Committee may schedule a Directions Hearing to assist in managing the hearing process (for example to confirm the number of hearing submitters, whether evidence is to be called, time required for presentation of verbal submissions etc.). Detail on the conduct of Directions Hearings can be found at *WHMP Protocol 2: Directions Hearings*.
- 2.1.4. The Steering Committee may refuse to hear any person who fails to comply with a direction of the Steering Committee [s.181(4)].

#### 2.2 Hearing Notification & Directions

- 2.2.1 Any person wishing to participate in the hearing must, by the date specified by the Steering Committee, complete and return *WHMP Form A: Request to be heard by the Steering Committee*. A timetable for the hearing will be prepared and circulated on the basis of information provided in this form.
- 2.2.2 The timetable and order of presentation for the hearing will be determined in advance of the day and circulated no later than 7 days prior to the hearing date.
- 2.2.3 Each *WHMP Form A* received by the specified date will be circulated to all other people participating in the hearing and may also be obtained by members of the public through the provisions of the *Freedom of Information Act 1982*.

- 2.2.4 If a person does not complete and return *WHMP Form A* by the specified date, the Steering Committee will consider that the person does not wish to participate in the hearing process, may not circulate Hearing Submissions to them, and may not provide them with an opportunity to be heard at the hearing.

### 2.3 Submissions in Reply

- 2.3.1 The Steering Committee will have an opportunity to respond to submissions in writing prior to the hearing. A Submission in Reply is not compulsory, but it allows the opportunity to refine any matters prior to the hearing.
- 2.3.2 Submissions in reply must be lodged with the Steering Committee 14 days prior to the hearing date.
- 2.3.3 Submissions in Reply will be circulated prior to the hearing by the Steering Committee and may also be obtained by members of the public through the provisions of the *Freedom of Information Act 1982*.

### 2.4 Hearing Submission

- 2.4.1 The following documents must be lodged with the Steering Committee no later than 28 days prior to the hearing date.

(i) **Detailed Hearing Submission, Photographs, Audio-visual material**

If a person intends to present any photographic or audio-visual material to the Steering Committee (including material that may be used for the purposes of any powerpoint, photographic or audio-visual presentation at the hearing), that person must provide that material at the same time as they provide *WHMP Form A*.

If a person intends to advance any arguments or make any points at the hearing that are **beyond** what is included in their original submission on the draft WHMP and *WHMP Form A*, that person must provide a further detailed written submission to the Steering Committee (known as a Hearing Submission) at least seven days prior to the hearing.

Hearing Submissions, photographs and audio-visual material will be circulated by the Steering Committee to all other people participating in the hearing no less than seven days prior to the hearing and may also be obtained by members of the public through the provisions of the *Freedom of Information Act 1982*.

Submissions may be delivered in email to [heritage.policy@delwp.vic.gov.au](mailto:heritage.policy@delwp.vic.gov.au). Hard copy Hearing Submissions may be received by the Steering Committee. These should be in A4, double-sided and two hole punched. Plans and other diagrammatic information may be in A3 double-sided and two hole punched. Hard copies should be delivered to:

**Chair**  
**The World Heritage Steering Committee for the REB&CG**  
**C/O Heritage Victoria**  
**PO Box 2392500**  
**Melbourne 8002VIC 3001.**

(ii) **Evidence**

If a person proposes to call an expert witness to provide evidence at the hearing, a written statement of the expert's evidence must be provided. Further details relating to the evidence and conduct of experts can be found at *WHMP Protocol 3: Expert Evidence*.

Submissions may be delivered in email to [heritage.policy@delwp.vic.gov.au](mailto:heritage.policy@delwp.vic.gov.au). Hard copy written evidence may be received by the Steering Committee. This should be in A4, double-sided and two hole punched. Plans and other diagrammatic information may be in A3 double-sided and two hole punched. Hard copies should be delivered to:

**Chair**  
**The World Heritage Steering Committee for the REB&CG**  
**C/O Heritage Victoria**  
**PO Box 2392500**  
**Melbourne 8002VIC 3001.**



## 2.5 Other Hearing-Related Correspondence

- 2.5.1 Other hearing-related correspondence received will be circulated to other hearing participants, unless it is of a purely administrative nature.

## 2.6 Adjournments

- 2.6.1 If any person wishes to request an adjournment of the scheduled hearing, an application should be made as soon as practicable, in writing, in the form of *WHMP Form B: Request for Adjournment*. The Steering Committee may circulate your form and seek the views of all hearing participants prior to ruling on the adjournment request.
- 2.6.2 The Steering Committee will determine whether the adjournment will be granted [s.181(4)].
- 2.6.3 The Steering Committee may, on its own initiative, adjourn a hearing if it considers an adjournment necessary [s.181(4)].

## 2.7 Additional Information

- 2.7.1 The Steering Committee may seek additional information from any person at any stage of the hearings process [s.186(2)(a)]. Additional information received by the Steering Committee will be made available to all other hearing participants.

## 2.8 Withdrawals

- 2.8.1 A 'withdrawal' is written notification from a person advising that they either no longer wish to participate in a hearing process and/or that they wish to withdraw any previous submissions made to the Steering Committee.
- 2.8.2 A person who wishes to withdraw from the process must advise the Steering Committee as soon as practicable.
- 2.8.3 Where a submission had caused a hearing, the withdrawal of that submission may result in the hearing not being held. If the hearing is cancelled, the Steering Committee may make decisions in consideration of any other written submissions received.

## 3. At the Hearing

- 3.1 A Committee of at least three (3) members of the Steering Committee will conduct the hearing.
- 3.2 Hearings will be held online by default. Requests for in-person attendance at a hearing may be accommodated. Any request to attend in-person must be made clear on the *WHMP Form A: Request to be heard by the Steering Committee*.
- 3.3 All hearings are open to the public and the media. Members of the media must identify themselves to the Steering Committee prior to the commencement of the hearing. A general public notification of the hearing will be posted to the Heritage Victoria and Engage Victoria websites.
- 3.4 Photography, as well as the video or audio recording of proceedings, is prohibited unless specifically approved by the Steering Committee in advance.
- 3.5 All people participating in the hearing are expected to treat others with respect and adhere to any directions of the Steering Committee. The Steering Committee may refuse to hear any person who fails to comply with a direction of the Steering Committee, or may expel any person who fails to comply with a direction [s.181(4)].
- 3.6 A person who is participating in the hearing may be represented by another person (e.g. a legal representative).
- 3.7 A right of reply to other submitters will only be afforded at the discretion of the Steering Committee.

## 3.8 Verbal Submissions

- 3.8.1 Where verbal submissions are made, they should be concise and directed to the main arguments of the written material lodged and the matters outlined in 2.3 of this protocol. The lengthy restatement of points made by previous speakers should be avoided. Submitters should adhere to the time allocated in the circulated timetable.
- 3.8.2 The Steering Committee may ask questions of any submitter.

- 3.8.3 Direct questioning of submitters or their advocates by others is not permitted. Questions of clarification may be allowed at the discretion of the Steering Committee.

### 3.9 Evidence

- 3.9.1 A person may call a witness (including an expert witness) at the hearing where a written statement of evidence from that witness has previously been received and circulated to all people participating in the hearing.
- 3.9.2 Witnesses will be made available for questions by the Steering Committee at the hearing.
- 3.9.3 The conduct of expert witnesses is outlined in WHMP Protocol 3: Expert Evidence.

### 3.10 New Material

- 3.10.1 Given the procedure of circulating Hearing Submissions, evidence and Submissions in Reply prior to the hearing, new written or visual material (including photographic evidence, plans, maps or powerpoint presentations) will not be allowed at the hearing except with the leave of the Steering Committee.
- 3.10.2 In some circumstances the allowance of new material may be grounds for an adjournment and/or an opportunity to respond to the new material in writing.

### 3.11 Adjournments

- 3.11.1 An adjournment may be sought at the hearing. In considering the request, the Steering Committee will have regard to the reasons given for any request and the views of other hearing participants.
- 3.11.2 The Steering Committee will determine whether the adjournment will be granted [s.181(4)].
- 3.11.3 The Steering Committee may, on its own initiative, adjourn a hearing if it considers an adjournment necessary [s.181(4)].

### 3.12 Additional Information

- 3.12.1 The Steering Committee may seek additional information from any person to inform its decision-making [s.186(2)(a)].
- 3.12.2 Any requested further information received by the Steering Committee will be circulated to all hearing participants by the Steering Committee and an opportunity may be afforded to provide comment on the further information within a specified period of time.
- 3.12.3 Each person participating in the hearing is to bear their own costs. The Steering Committee is not able to award costs and any determination made by the Steering Committee will not address any claims for costs.

## 4. Determination in the absence of a hearing

4.1 A hearing on the WHMP may not be held. This could occur because:


- (i) No submitters have requested to be heard, or
- (ii) the Steering Committee, upon review of the submissions received (including any submissions requesting a hearing), may decide that a hearing is not necessary at their own discretion [s.181(4)].

4.2 In the case that the Steering Committee decides not to hold a hearing, a notification of this decision with any reasoning will be provided to submitters.

4.3 If a hearing does not eventuate, the Steering Committee will consider all submissions and determine if any actions and/or amendments to the draft WHMP are required [s.186(2)(c)].

## 5. After the Hearing

4.1 The Steering Committee must determine to adopt the draft WHMP with or without amendments, after considering any submissions, any other matters it considers relevant, and conducting any hearing [s.187(1)].

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- 4.2 A report detailing the Steering Committee's decision(s) and any reasoning will be provided to all people who participated in the hearing and will be made available through Heritage Victoria's website and the Engage Victoria website.
  - 4.3 Once the draft WHMP has been adopted by the Steering Committee, the Steering Committee must give a copy of the draft WHMP to the Minister, [s.187(2)]. The Steering Committee will also provide the Minister with its report.
  - 4.4 The Minister, by notice published in the *Government Gazette* [s.188(1)], may either approve the WHMP as adopted by the Steering Committee [s.188(1)(a)] or approve the WHMP as amended by the Minister [s.188(1)(b)] .
  - 4.5 The approved WHMP will come into operation on the date upon which the Minister publishes their notice of approval [s.188(2)(a)], or on any other date specified in that notice [s.188(2)(b)].
  - 4.6 A written copy of the final WHMP, as approved by the Minister, will be sent to all persons who lodged submissions. A copy of the approved WHMP will also be published on the Heritage Victoria website (<https://www.heritage.vic.gov.au/>) and on the Engage Victoria website (<https://engage.vic.gov.au/>).

## 6. Further Reference

- (i) *Heritage Act 2017* (<https://www.legislation.vic.gov.au/in-force/acts/heritage-act-2017/004>)



## WHMP Protocol 2: Directions Hearings

Procedural matters may arise during a hearing for the draft World Heritage Management Plan ('the hearing'). Directions as to procedural matters may be given at any time during the course of the hearing. However, it may sometimes be preferable to consider matters of a preliminary or procedural nature prior to the hearing. If the World Heritage Steering Committee for the Royal Exhibition Building and Carlton Gardens ('the Steering Committee') considers that matters of a preliminary or procedural nature are best addressed prior to the hearing, a Directions Hearing may be held.

### 1. Purpose of a Directions Hearing

A Directions Hearing may be held in order to:

- a) Identify and consider matters of a preliminary or procedural nature that can be resolved prior to the hearing and give directions relating to those matters.
- b) Explain the context and purpose of the hearing, answer any questions that participants may have and clarify the role of participants, expert witnesses and the Steering Committee.
- c) Make suitable arrangements for the hearing.

No submissions in relation to the subject matter of the hearing will be sought or received at a Directions Hearing.

### 2. Matters relevant in considering whether or not to hold a Directions Hearing

A Directions Hearing is not required prior to the hearing, but may be held if the Steering Committee considers it necessary or desirable to give directions prior to the hearing in relation to preliminary or procedural matters, including:

- a) Timetabling and availability;
- b) Issues relating to a request for an adjournment;
- c) The admissibility and relevance of material;
- d) Issues relating to expert witness evidence;
- e) The conduct of a hearing;
- f) Any other preliminary or procedural matters.

### 3. Arrangements for Directions Hearings

All submitters will be notified of a hearing. As part of the notification, the Steering Committee will request that submitters wishing to be heard will complete and return a *WHMP Form A: Request to be heard by the Steering Committee*. Based on receipt of these forms and after a consideration of the matters listed above, the Steering Committee may invite participants to attend a Directions Hearing. It is expected that all participants attend a Directions Hearing unless otherwise directed. The Steering Committee may liaise with participants in order to arrange the time and location of the Directions Hearing.

A Directions Hearing may take place at any time and may be scheduled at relatively short notice.

### 4. Directions Hearings – Submissions

All participants will be afforded the opportunity to make verbal submissions and raise questions that relate to the matters to be considered at the Directions Hearing.

Participants may be asked to make written submissions on particular procedural matters. All written submissions received will be circulated to other hearing participants.

### 5. Issuing directions following a Directions Hearing

Written directions will be issued following any Directions Hearing.



## WHMP Protocol 3: Expert Evidence

A person participating in draft World Heritage Management Plan Hearing ('the hearing') may choose to include expert evidence with their submissions. Directions in relation to expert evidence may be given at any time by the World Heritage Steering Committee for the Royal Exhibition Building and Carlton Gardens ('the Steering Committee') including as a result of a Directions Hearing. *WHMP Protocol 3* is intended to assist parties to understand the purpose of expert evidence and the principles which apply to it. Other forms of evidence may also be accepted by the Steering Committee.

### 1. Expert witnesses

Expert witnesses are individuals with established or recognised expertise in a relevant subject area who are called by a person participating in the hearing for the purpose of giving expert evidence. A person may be recognised as holding such expertise whether as a result of training, experience, qualifications, publications, awards, peer recognition, or any combination thereof.

The opinion and evidence of an expert witness should be fair, unbiased and within the area of their expertise. Expert witnesses have an over-riding duty to the Steering Committee, rather than to the person relying on their evidence. Expert witnesses are expected to provide reasoned, fair and impartial evidence, rather than to act as an advocate for the person relying on their evidence.

A person participating in the hearing cannot be an expert witness, nor give expert evidence, for the purpose of the hearing.

### 2. Production of an expert witness' report

The opinion and evidence of an expert witness must be set out in a report. That report must include the following matters:

- a) the full name and address of the expert witness;
- b) the expert's qualifications, experience and relevant area or areas of expertise;
- c) a statement setting out the expert's expertise to make the report;
- d) reference to any private or business relationship between the expert witness and the person for whom the report is prepared;
- e) all instructions that define the scope of the report (original and supplementary and whether in writing or oral);
- f) the facts, matters and all assumptions upon which the report proceeds;
- g) reference to those documents and other materials the expert has been instructed to consider or take into account in preparing their report and the literature or other material used in making the report (this may include any maps, plans or other pictorial material, as well as audio or visual material, which may be included with the report, or which may be required to be made available by the expert witness, whether at the request of a person participating in the hearing or the Steering Committee);
- h) the identity and qualifications of the person who carried out any tests or experiments upon which the expert relied in making the report;
- i) a statement:
  - summarising the opinion of the expert;
  - identifying any provisional opinions that are not fully researched for any reason (including the reasons why such opinions have not been or cannot be fully researched);
  - setting out any questions falling outside the expert's expertise; and
  - indicating whether the report is incomplete or inaccurate in any respect.
- j) A signed declaration by the expert that:

*"I have made all the inquiries that I believe are desirable and appropriate. No matters of significance which I regard as relevant have to my knowledge been withheld from the World Heritage Steering Committee for the Royal Exhibition Building and Carlton Gardens."*



### 3. Circulation of expert evidence

If any person seeks to rely on expert evidence for the purpose of the hearing, that person must ensure that the report of that expert evidence is included with the submission of that person when it is sent to the Steering Committee in advance of the hearing. This enables the Steering Committee to read the report in advance, and for the report to be circulated to all others participating in the hearing.

### 4. Arrangements for the attendance of expert witnesses at the hearing

When notice is given of a hearing, the Steering Committee requests any persons seeking to be heard to complete and return a *WHMP Form A: Request to be heard by the Steering Committee*. In completing that form, all persons seeking to be heard must name any expert witness(es) that they plan to call and give an estimate of the amount of time required for the expert witness(es) to give their evidence-in-chief. The Steering Committee may liaise with those participating in the hearing in order to prepare a timetable for the hearing.

All hearing participants, other expert witnesses and members of the public in attendance are normally permitted to be present at the hearing during the presentation of expert evidence.

### 5. Cross examination of expert witnesses at the hearing

Direct questioning of an expert witness by any person participating in the hearing not belonging to the Steering Committee is not permitted. Questions of clarification may be allowed at the discretion of the Steering Committee.

### 6. Directions and questions from the Steering Committee

The Steering Committee may at any time, including as a result of a Directions Hearing, give directions to hearing participants about expert evidence, cross examination and questioning.

The Steering Committee may ask questions of all and any participants and witnesses at any stage of a hearing. The purpose of Steering Committee members questioning an expert witness is to test the evidence and to inform themselves.



## WHMP Form A: Request to be heard by the Steering Committee

I have made a written submission in relation to the draft Management Plan for the Royal Exhibition Building and Carlton Gardens and I wish to be heard by the Steering Committee. I provide the following information to enable the Steering Committee to prepare a timetable for any hearing.

Please send this form with your written submission by 5.00pm on DD/MM/YYYY to

via email to [heritage.policy@delwp.vic.gov.au](mailto:heritage.policy@delwp.vic.gov.au)

**OR**

In hard copy to:

**Chair  
The World Heritage Steering Committee for the REB&CG  
C/O Heritage Victoria  
PO Box 2392  
Melbourne VIC 3001.**

For further information, contact [heritage.policy@delwp.vic.gov.au](mailto:heritage.policy@delwp.vic.gov.au)

Submitter Name/s		
Postal Address		
Daytime Contact No.		
Fax No.		
E-Mail Address		
Length of time requested to present submission Give total time including time required by witnesses		
Will you be represented by anyone? (If so, please provide details of their name/s and expertise)		
Will you be calling an expert witness? (If so, please provide details of their name/s and expertise)		
Do you require any audio/visual equipment? (if so, please tick your requirements or specify.)	Video: VCR / DVD / CD rom	
	Data Projector	
	Other	
Will you need to attend the hearing in person?		

## WHMP Form B: Request for adjournment

Please refer to *WHMP Protocol 1: Hearings and Determination* for information in relation to adjournment requests, including the circumstances in which an adjournment request will be considered by the World Heritage Steering Committee for the Royal Exhibition Building and Carlton Gardens (the Steering Committee').

*Note: This form will be provided to other hearing/review participants and your personal details will not be removed. The Steering Committee is also bound by the Freedom of Information Act 1982. You should expect your submission to be freely and wholly available to anyone seeking access to it.*

This is a request for adjournment for the hearing on the World Heritage Management Plan for the Royal Exhibition Building and Carlton Gardens to be held on:	___ / ___ / ___
--	-----------------

### 1. Your Details

<b>Title</b>	
<b>First Name</b>	
<b>Surname</b>	

<b>Is this request on behalf of a company/organisation?</b>	Yes/No
<b>If yes, what is its name?</b>	
<b>What is your position title?</b>	

### 2. Adjournment Request

I request that the Steering Committee adjourn the above hearing/review for a period of at least (insert number) of weeks.

Reasons for the adjournment request:

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### 3. Form lodgement details:

Via email to [heritage.policy@delwp.vic.gov.au](mailto:heritage.policy@delwp.vic.gov.au)

OR in hard copy to:

**Chair  
The World Heritage Steering Committee for the REB&CG  
C/O Heritage Victoria  
PO Box 2392  
Melbourne VIC 3001.**

For further information, contact [heritage.policy@delwp.vic.gov.au](mailto:heritage.policy@delwp.vic.gov.au)