



Appointment of Council Assessment Panel Members

Procedure Name:	Appointment of Council Assessment Panel Members
Reference Number:	6.12
Classification	Public - Procedure
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Responsible Officer:	Assessment Manager
Council File Reference:	17/224587
Applicable Legislation:	Planning, Development and Infrastructure Act 2016
Relevant Policies:	
Related Procedures:	
Compliance Standard:	

1. Purpose

Under Section 83 of the Planning Development and Infrastructure Act 2016 Council must establish a Council Assessment Panel. In order to do so Council must, pursuant to Section 83(1)(b) first establish a procedure to be followed with respect to the method to be taken when appointing members to the panel, duration of their terms of office, conditions of appointment of members including remuneration, the grounds on which a member may be removed from office and the process for appointing an acting presiding member.

The Act specifically states the following in relation to a Council Assessment Panel;

83(1)(b) a designated authority must determine—

- (i) the membership of the assessment panel, being no more than 5 members, only 1 of which may be a member of a council, and, if the designated authority thinks fit, on the basis that the assessment panel will be constituted by a different number of members depending on the particular class of development that is being assessed by the assessment panel; and
- (ii) the procedures to be followed with respect to the appointment of members; and
- (iii) the terms of office of members; and
- (iv) conditions of appointment of members, or the method by which those conditions will be determined, (including as to their remuneration) and the grounds on which, and the procedures by which, a member may be removed from office; and
- (v) the appointment of deputy members; and
- (vi) who will act as the presiding member of the panel and the process for appointing an acting presiding member.

2. Procedure

2.1 Membership

The Council Assessment Panel (CAP) will consist of five members with one of these being an elected member of Council.

2.2 Appointment of members

Council will commence the appointment of members to the CAP by first determining which option for a path of appointment they wish to follow.

Option 1 will be to publicly seek expressions of interest for suitably qualified and accredited persons to form the CAP.

This option will require;

1. Advertising for expressions of interest;
2. Appointment of elected members to a selection panel;
3. Review of submissions and possible interview of candidates if required by the selection panel; and
4. A subsequent report to Council recommending specific candidates to the role.

Option 2 will be to consider reappointment of existing Council Assessment Panel (CAP) members to a new term on the CAP.

This option will require;

1. Consultation with current members of the panel to establish that they are prepared to continue in the role; and
2. A report to Council recommending appointments.

2.3 Term of Office for Members

- (a) The term of office of a member will be for a period, not exceeding 2 years, determined by the council (and, at the expiration of a term of appointment, a member is eligible for reappointment);
- (b) A member of a council assessment panel whose term of office expires may nevertheless continue to act as a member, for a period of up to 6 months, until he or she is reappointed or a successor is appointed (as the case may be).
- (c) The council may remove a member of the panel from office for—
 - (i) Breach of, or failure to comply with, the conditions of appointment; or
 - (ii) Misconduct; or
 - (iii) Neglect of duty; or
 - (iv) Incapacity to carry out satisfactorily the duties of his or her office; or
 - (v) Failure to carry out satisfactorily the duties of his or her office; or
 - (vi) Failure to comply with a requirement under Section 83(1)(e) or (g) or a breach of, or failure to comply with a code of conduct;

- (d) The office of a member of the panel will become vacant if the member—
- (i) Dies; or
 - (ii) Completes a term of office and is not reappointed; or
 - (iii) Resigns by written notice to the council; or
 - (iv) Is no longer an Accredited Professional and is required to be an Accredited Professional; or
 - (v) Becomes bankrupt or applies to take the benefit of a law for the relief of insolvent debtors; or
 - (vi) Is convicted of an indictable offence punishable by imprisonment; or
 - (vii) Is removed from office by the council under paragraph (c).

2.4 Remuneration

The remuneration for a member of the CAP shall be determined by Council when new appointments are made and the level of remuneration will be reviewed every two years.

2.5 Deputy Member

A deputy member of the CAP will only be appointed on the following terms;

1. The deputy member will be an elected member appointed only to perform as a deputy for the regular elected member of the CAP.
2. The deputy member will only come into effect where at least 5 business days notice has been given by the regular elected member of the CAP advising that they will not be able to attend a meeting or meetings of the CAP and the deputy member will take their place.
3. Only one elected member of council will be present as a member of the CAP at any time.
4. They will be remunerated for their actual attendance at a CAP meeting in accordance with the level of remuneration established by Council under section 2.4 of this procedure.
5. They are bound by the same terms of office as a regular member of the CAP.

2.6 Presiding member

- (a) The council will appoint the presiding member of the CAP from the independent members of the panel at the time of appointing the membership of the panel.
- (b) The CAP will appoint the acting presiding member from the remaining CAP membership at its first meeting as a committee.

3. References

Nil

4. Attachments

Nil