 Wattle Range COUNCIL	PROCEDURE 3.6.2	Version:	1
	Council Assessment Panel Terms of Reference	Date Adopted:	13 Mar 2018
		Next Review Due:	March 2022

This procedure relates to the Wattle Range Council Assessment Panel Terms of Reference.

1. BACKGROUND

- 1.1** The Wattle Range Council, Council Assessment Panel (**CAP**) was appointed as a relevant authority under Section 82 and 83 of the *Planning, Development and Infrastructure Act 2016 (Act)* by resolution of the Wattle Range Council (**the CAP**) on 8th August 2017
- 1.2** The CAP is a relevant authority under the Act and, during transition to the Act, will act as a delegate of the Wattle Range Council for the purpose of the *Development Act 1993*.

2. MEMBERSHIP OF CAP


Appointment of Members

- 2.1** The CAP will be constituted of 5 Members (**CAP Members**), to be appointed by the Wattle Range Council, comprising:
- 2.1.1 one Member of the Wattle Range Council (Wattle Range Council Member); and
- 2.1.2 four Independent Members (Independent Members), not being Members of the Wattle Range Council or State Parliament.
- 2.2** The Wattle Range Council may determine that the CAP will be constituted by a different number of members for different classes of development, in which case the relevant details will be specified by the Wattle Range Council.
- 2.3** When appointing CAP Members, the Wattle Range Council may have regard to the following:
- 2.3.1 the candidate's knowledge of the operation and requirements of the Act and, during transition to the Act, the Development Act;
- 2.3.2 in relation to Independent Members, the candidate's qualifications or experience in a field that is relevant to the activities of the CAP;
- 2.3.3 in relation to the Wattle Range Council Member, the candidate's experience in local government;
- 2.3.4 that a balance of qualifications and experience among CAP Members is desirable;
- 2.3.5 that gender diversity among CAP Members is desirable; and
- 2.3.6 such other matters as the Wattle Range Council considers relevant.

Appointment of Deputy Members

- 2.4** The Wattle Range Council may appoint at least one Deputy Member to the CAP for the purpose of filling in for a CAP Member who is unable to attend a CAP meeting or part of a CAP meeting.

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- 2.5** Subject to clause 2.6, a Deputy Member must not be a Member of the Wattle Range Council or State Parliament.
- 2.6** a Deputy Member who is not a member of the Wattle Range Council may act as a deputy for any CAP Member).
- 2.7** Where more than one Deputy Member is appointed, the Wattle Range Council must specify the circumstances in which each Deputy Members (or any one or more of them) will be invited to attend a CAP meeting.
- 2.8** In appointing a Deputy Member, the Wattle Range Council may have regard to the matters in clause 2.3, as well as to the qualifications and experience of the CAP Member or CAP Members to whom the candidate will be a deputy.
- 2.9** Unless the context otherwise requires, a reference to a CAP Member in this document includes a Deputy Member.

Expression of Interest

- 2.10** The Wattle Range Council will call for expressions of interest for appointment of CAP Members.


Presiding Member and Acting Presiding Member

- 2.11** The Wattle Range Council will appoint an Independent Member to be the Presiding Member of the CAP for such term and on such conditions as determined by the Wattle Range Council.
- 2.12** The Presiding Member will preside at any CAP meeting at which he or she is present.
- 2.13** In the event that the Presiding Member is not present at a meeting (or part thereof) an Acting Presiding Member will be appointed by those CAP Members who are present at the meeting.
- 2.14** A Presiding Member is eligible to be reappointed as the Presiding Member at the expiry of his or her term of office as Presiding Member.
- 2.15** In the event that the Presiding Member resigns or is removed from office, the Wattle Range Council will appoint an Independent Member to be the Presiding Member for such a term and on such conditions as determined by the Wattle Range Council.

Term of Appointment

- 2.16** Subject to clause 5, Independent Members will be appointed for a term of up to 2 years and on such other conditions as determined by the Wattle Range Council.
- 2.17** Subject to clause 5, the Wattle Range Council Member will be appointed for a term of up to 2 years and on such other conditions as determined by the Wattle Range Council.
- 2.18** Deputy Members will be appointed for a term of up to 2 years and on such other conditions as determined by the Wattle Range Council.

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2.19 A CAP Member is eligible for reappointment for a further term, or further terms, upon the expiry of his or her current term.

2.20 A CAP Member whose term of office has expired may nevertheless continue to act as a Member until the vacancy is filled or for a period of six months from the expiry of the Member's term of office, whichever occurs first.

3. VACANCY IN MEMBERSHIP

3.1 In the event of a vacancy arising in the office of a CAP Member, the Wattle Range Council may appoint a person to be a CAP Member for the balance of the original CAP Member's term of office as soon as is reasonably practicable in the same manner as the original CAP Member was appointed.

3.2 The CAP Member appointed to fill a vacancy may be a Deputy Member in which case that person will automatically cease to be a Deputy Member.

3.3 In appointing a CAP Member pursuant to clause 3.1, the Wattle Range Council may have regard to the matters in clause 2.2 or 2.8 as the case requires.

3.4 A vacancy in the membership of the CAP will not invalidate any decisions of the CAP, provided a quorum is maintained during meetings.

4. CONDITIONS OF APPOINTMENT

4.1 At all times, CAP Members must act honestly, lawfully, in good faith, and in accordance with the Wattle Range Council code of conduct applicable to CAP Members.

4.2 CAP Members may be remunerated as determined by the Wattle Range Council for the reasonable time and costs incurred by CAP Members in attending CAP meetings.

4.3 Different levels of remuneration may be fixed by the Wattle Range Council for Independent Members, the Wattle Range Council Member, the Presiding Member and Deputy Members.

4.4 Upon the commencement of Section 83(1)(c) of the Act:

4.4.1 CAP Members, excluding a Member who is a Member or former Member of the Wattle Range Council, must be accredited professionals under the Act; and


4.4.2 CAP Members who are Members or former Members of the Wattle Range Council must have sufficient experience in local government to satisfy the Wattle Range Council that they are appropriately qualified to act as a Member of the CAP.

5. REMOVAL FROM OFFICE

5.1 A CAP Member will automatically lose office where:

5.1.1 the CAP Member has become bankrupt or has applied to take the benefit of a law for the relief of insolvent debtors;

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5.1.2 the CAP Member has been convicted of an indictable offence punishable by imprisonment;

5.1.3 in the case of a Wattle Range Council Member, the Member ceases to be a member of the Wattle Range Council.

5.2 Subject to Clause 5.4, the Wattle Range Council may by resolution remove a CAP Member from office where, in the opinion of the Wattle Range Council, the behaviour of the CAP Member amounts to:

5.2.1 a breach of a condition of his or her appointment as a CAP Member;

5.2.2 misconduct;

5.2.3 a breach of any legislative obligation or duty of a CAP Member;

5.2.4 neglect of duty in attending to the role and responsibilities as a CAP Member;

5.2.5 a failure to carry out satisfactorily the duties of his or her office;

5.2.6 a breach of fiduciary duty that arises by virtue of his or her office;

5.2.7 inability to carry out satisfactorily the duties of his or her office.

5.2.8 except in relation to Deputy Members, a failure without reasonable excuse to attend three consecutive CAP meetings without the CAP previously having resolved to grant a leave of absence to the CAP Member; or

5.2.9 in relation to a Deputy Member, a failure without reasonable excuse on three consecutive occasions to attend a meeting of the CAP when requested to do so; or

5.2.10 for any other reason the Wattle Range Council considers appropriate.

5.3 The removal of the CAP Member pursuant to clause 5.2 will take effect upon the Wattle Range Council passing a resolution to remove the CAP Member from office (unless the Wattle Range Council resolves otherwise), and such resolution will be confirmed in writing to the CAP Member within 7 days of being passed.


5.4 Prior to resolving to remove a CAP Member from office pursuant to clause 5.2, the Wattle Range Council must:

5.4.1 give written notice to the CAP Member of:

5.4.1.1 its intention to remove the CAP Member from office pursuant to clause 5.2; and

5.4.1.2 the alleged behaviour of the CAP Member falling within clause 5.2.1 or reason the Wattle Range Council considers it appropriate to remove the CAP Member,

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no less than 7 days before the meeting of the Wattle Range Council at which the matter is to be considered;

- 5.4.2 Give the CAP Member an opportunity to make submissions to the Wattle Range Council on its intention to remove the CAP Member from office either orally at the Wattle Range Council meeting at which the matter is to be considered, or in writing by such date as the Wattle Range Council reasonably determines; and
- 5.4.3 have due regard to the CAP Member's submission in determining whether to remove the CAP Member from office.

6. REVIEW

This Policy will be reviewed by the Minister for Planning as required.

Prior to the review of this procedure consultation is required in accordance with the Community Engagement Charter set out at Section 44 of the Planning, Development and Infrastructure Act 2016.

7. AVAILABILITY

This procedure is available for inspection without charge at the following location during ordinary business hours:

- Principal Office, "Civic Centre", George Street, Millicent
- Council Website: www.wattlerange.sa.gov.au.

A copy of the procedure may be purchased from the Principal Council Office upon payment of a prescribed fee in accordance with Council's Schedule of Fees and Charges.

8. REFERENCES & FURTHER READING

References	
Relevant Legislation:	<ul style="list-style-type: none"> • <i>Development Act 1993</i> • <i>Planning, Development and Infrastructure Act 2016</i>
Relevant Policies / Procedures / Guidelines	<ul style="list-style-type: none"> • Code of Conduct Council Assessment Panel

9. ADOPTION & AMENDMENT HISTORY

The table below sets out the adoption, review and amendment history of the procedure.

Version No:	Issue Date:	Authorised by:	Description of Change:	Minutes Reference:
1	13/03/2018	Council	New document	Folio 7533 Item 13.3.3

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