

## MEETING PROCEDURES FOR THE FLINDERS REGIONAL DEVELOPMENT ASSESSMENT PANEL

### General:

1. The Flinders Regional Development Assessment Panel (**the Panel**) will ensure that:
  - procedures are fair and contribute to open, transparent and informed decision-making;
  - procedures reflect the levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting; and
  - procedures shall be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.
2. In accordance with the provisions of Section 34(18a) of the Development Act 1993 (**the Act**) the Panel may, at any time, provide advice and reports to the constituent councils on trends, issues and other matters relating to planning or development that have become apparent or arisen through its assessment of applications under the Act.
3. Meetings of the Panel will generally be held in the council chamber of the constituent council then having responsibility for the provision of administrative support and secretarial services to the Panel and from time to time in other locations as determined by the Panel.
4. All members of the Panel have a deliberative vote.
5. The presiding member of the Panel (or any member acting in the position) has a deliberative vote and a casting vote in the event of an equality of votes.
6. A matter for determination at a meeting of the Panel will be decided by a majority of the votes cast by the Panel members present at the meeting and entitled to vote. Each Member of the Panel who is present at a meeting, unless a conflict of interest arises, must vote.

Voting in favour and then against a motion or amendment, as requested by the Presiding Member, shall be by show of hand.
7. Panel members will not express an opinion on the merits of current applications to either applicants (or their agents) or representors other than at a formally constituted meeting of the Panel at which the application is being considered.
8. Where Panel members require further information or clarification in relation to any current development application, any Panel member can request this information from the appropriate constituent council administration and the information will be provided at the earliest possible opportunity.
9. Where the Panel considers the circumstances to be appropriate, the Panel meeting may be held via teleconference or video conference facilities provided a meeting in such format does not prejudice the rights of any person with an entitlement to appear before the meeting.

### **Public Notice of Meetings**

10. A Public Notice of Meeting containing the scheduled meeting dates will be provided at the offices of each constituent council and on the website for each constituent council.
11. In the event that a scheduled meeting date is altered public notice of the change will be given in each of the constituent council offices and on their web sites.
12. Public notice of a special meeting of the Panel will be displayed in the offices of each constituent council no later than three (3) hours before the commencement of the meeting.

### **Notice of Meeting for Panel Members**

13. A notice of meeting accompanied by the agenda and reports for the meeting will be sent to each Panel member for each meeting of the Panel at least three clear days before the meeting.
14. It will be sufficient to meet the requirements of clause 13 if the notice of meeting is sent electronically by email or facsimile.

### **Agenda & Reports**

15. An agenda listing items of business and associated reports will be made available in hard copy to the public at the offices of each constituent council at least three clear days prior to the Panel meeting and, on the day of the meeting, at the meeting venue.
16. Documentation for a meeting of the Panel may also be viewed by the public on each constituent council's website. Such documentation shall be placed on the website at least 3 clear days before the meeting.
17. The agenda for a meeting of the Panel, where applicable, will indicate the intention of the Panel to receive, discuss or consider information or matters on a confidential basis.
18. Items of business may be reported upon verbally at the Panel meeting, distributed in hard copy with the agenda or tabled at the meeting.
19. Each report to the Panel requiring a determination will contain a recommendation providing a direction for discussion.

### **20. Conflict of Interest**

A Panel member who has a direct or indirect personal or pecuniary interest in a matter before the Panel (other than an indirect interest that exists in common with a substantial class of persons):

- must, as soon as he or she becomes aware of his or her interest, disclose the nature and extent of the interest to the Panel; and
- must not take part in any hearings conducted by the Panel, or in any deliberations or decisions of the Panel on the matter and must be absent from the room when any deliberations are taking place or decision is being made.

21. A member of the Panel will have an interest if an associate of the member has an interest in the matter.

### **Presiding Member**

22. In the absence of the Presiding Member, the Deputy Presiding Member shall preside.
23. In the absence of the Presiding Member and the Deputy Presiding Member the Panel will select another Panel member to preside.

### **Quorum**

24. In the event that a quorum is not present within 30 minutes of the commencement time for a meeting, business listed on the agenda will be dealt with at the next meeting of the Panel.

The quorum for the Panel is three (3) members and no business will be transacted at a meeting unless a quorum is present.

### **Speaking, Debate & Decision Making**

25. A member of the Panel must not speak for longer than five minutes at any one time without leave of the meeting being granted.

Leave of the meeting may be sought by a Panel member through verbal request or a motion moved and seconded.

Leave of the meeting is granted after the majority of members present have indicated agreement when agreement is sought by the Presiding Member or when a vote is carried on a motion moved or seconded.

26. Panel members shall, in the course of public meetings refer to other Panel members by their title eg, Doctor, Mr, Mrs or Ms.
27. Comment or discussion in the first instance on a matter presented to the Panel for determination may be sought by a Panel member or the Presiding Member.
28. Prior to the moving or seconding of a motion for determination, members of the Panel may speak more than once with the consent of the Presiding Member in order to comment on or discuss a matter before the Panel.
29. Prior to the moving or seconding of a motion for determination, the Presiding Member in facilitating comment or discussion will utilise his or her discretion to determine when to call for a motion enabling the Panel to determine the matter.

Prior to calling for a motion, the Presiding Member will utilise his or her discretion to conclude the opportunity for discussion or comment only after each Panel member present at the meeting has been provided the opportunity to speak.

30. An outcome to comment or discussion must be given effect by, and shall only be valid when presented as, a motion by a mover and seconder.
31. A motion will lapse if it is not seconded at the appropriate time.
32. The Presiding Member, in the absence of comment or discussion in relation to the business requiring determination, will request a motion to be moved and seconded.
33. A Panel member may speak once to a motion and once to any subsequent amendment.

34. When a motion has been moved or seconded, a Panel member may speak once to debate or to move an amendment to the motion.
35. A mover or seconder of a motion may not at a later stage of debate move an amendment to the motion.
36. A mover or seconder of an amendment to a motion may not at a later stage of debate move another amendment to the motion.
37. The mover and seconder of a motion or an amendment are to speak at the time of moving or seconding.
38. A Panel member having spoken to a motion or an amendment may not move an amendment at a later point in debate.
39. The mover of a motion or amendment may sum up on the motion or amendment prior to a vote being taken.
40. When the Panel has adopted an amendment to the motion, the mover of the motion may sum up prior to the vote being taken on the motion as amended.
41. The Presiding Member will request each Panel member to vote on a motion or amendment and then declare the outcome at the conclusion of debate or the mover having summed up.
42. At the conclusion of debate the original motion (or as amended) will be put to a vote by the Presiding Member. If carried the Panel has determined the matter. If lost the Presiding Member will call for an alternate motion to be moved and seconded to enable the Panel to determine the matter.
43. Voting in favour and then against a motion or amendment, as requested by the Presiding Member, shall be by show of hand, or, where a meeting is held by teleconference or video conferencing, by stating the Panel member's name followed by a statement of 'in favour' or 'against'.
44. The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to be granted to vary, alter or withdraw the motion or amendment.

The Presiding Member must immediately put the request for leave to be granted to a vote and no debate will be allowed on the request.

45. If the Presiding Member considers that the conduct of the meeting would benefit from suspending the application of the provisions of the Meeting Procedures prior to a vote being taken after proceedings have been exhausted, the Presiding Member may, with the approval of at least two thirds of the members present suspend the Meeting Procedures to facilitate informal discussion.

The period of informal discussion will be as determined by the Presiding Member.

During the period of suspension:

- the meeting may proceed as long as a quorum is present; and
- no motion may be moved, seconded, amended or voted on.

The period of suspension will come to an end:

- at the conclusion of the period determined by the Presiding Member; or
- if the Presiding Member determines that the period should be brought to an end; or
- if at least two thirds of the members present request that the period be brought to an end.

### **Amendments**

46. An amendment will lapse if not seconded at the appropriate time.
47. An amendment will require determination prior to the motion or a second amendment.
48. If an amendment is lost only one further amendment may be moved to the original motion.
49. If an amendment is carried only one further amendment may be moved to the original motion.
50. An amendment must detail the effect, if carried, on the original motion.
51. An amendment may seek to include, alter or delete a part or parts of the original motion.
52. An amendment may seek to delete and then replace a part or parts of the original motion.
53. An amendment may seek to delete the original motion with an alternate motion in its entirety.
54. An amendment may seek to defer the matter.
55. An amendment must not be a direct negative.

### **Exclusion of the Public from attendance at a meeting**

56. The Panel may exclude the public from attendance:
  - (a) during so much of a meeting as is necessary to receive, discuss or consider in confidence any of the following information or matters:
    - (i) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
    - (ii) information the disclosure of which:
      - (A) could reasonably be expected to confer a commercial advantage on a person, or to prejudice the commercial position of a person; and
      - (B) would, on balance, be contrary to the public interest;
    - (iii) information the disclosure of which would reveal a trade secret;

- (iv) commercial information of a confidential nature (not being a trade secret) the disclosure of which:
    - (A) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
    - (B) would, on balance, be contrary to the public interest;
  - (v) matters affecting the safety or security of any person or property;
  - (vi) information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;
  - (vii) matters that must be considered in confidence in order to ensure that the Panel does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;
  - (viii) legal advice;
  - (ix) information relating to actual litigation, or litigation that the Panel believes on reasonable grounds will take place;
  - (x) information the disclosure of which:
    - (A) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (being an employee of a council, or a person engaged by a council); and
    - (B) would, on balance, be contrary to the public interest; or
- (b) during so much of a meeting that consists of its discussion or determination of any application or other matter that falls to be decided by the panel.

57. The public will only be excluded from attendance at a meeting or portion of a meeting of the Panel through a decision voted upon and carried by the Panel members. The decision of the Panel will be recorded in the Minutes of the meeting.

58. The Panel prior to the release of a copy of the Minutes of a meeting, may exclude from the Minutes information about any matter dealt with on a confidential basis by the Panel.

**Decisions:**

59. Notification of Assessment Decision will be given within five business days after the decision is made on the application.

**Minutes of the Meeting:**

60. The Minutes of the proceedings of a meeting will record:

- the names of the Panel members present;

- the name and time of a Panel member entering or leaving;
  - the name of a person who has made a verbal representation to the Panel at the meeting;
  - each motion (and amendment) moved and the outcome of the vote;
  - any disclosure of interest made by a Panel member;
  - the decision of the Panel to exclude public attendance; and
  - a notation, describing the confidential nature of the information and matter, in the event that a matter has been excluded from the Minutes.
61. Minutes will be available within 5 days after their adoption by the members of the Panel.
62. Draft Minutes which are yet to be adopted by the Panel will be published within 5 days of the meeting.
63. Debate on the adoption of the draft Minutes shall relate to the accuracy of the minutes as a record of proceedings only.
64. On the adoption of the Minutes the Presiding Member shall initial each page and sign and date the last page of the Minutes.
65. Minutes will be made available in hard copy to the public at each office of the constituent councils and on the websites for the constituent councils.
66. The Public Officer shall send the Minutes of each Panel meeting to the Panel members in an electronic format unless a Panel member requests otherwise.

**Scheduled Meetings:**

67. Prior to the Notice of Meeting being sent to Panel members, if the number of apologies received by the Public Officer indicates that a quorum of 3 will not be achieved for a scheduled meeting the Public Officer in consultation with the Presiding member may cancel the meeting.

**Special Meetings:**

68. Special meetings of the Panel may be held at any time.
69. A Special meeting of the Panel may be called at the request of:
- the Presiding Member of the Panel; or
  - at least 3 members of the Panel; or
  - the Public Officer.
70. A Special meeting will only deal with the business for which the meeting has been called.

71. A request to call a special meeting must be accompanied by an agenda stating the item(s) of business for which the Panel is being requested to convene. If an agenda is not provided at the time of the request, the special meeting will not be called.
72. Each member of the Panel will be provided with verbal notice and/or sent a notice of a special meeting at least four (4) hours before the commencement of the meeting, accompanied by the agenda for the meeting.

### **Hearing of Representations**

73. Where a representor to a Category 2 or 3 development proposal who has requested to be heard in support of their representation by the Panel does not appear at the Panel meeting when their representation has been listed to be heard, the Panel may, in its absolute discretion, elect to nevertheless hear the applicant.

### **Interpretation**

74. In these meeting procedures:
  - (1) the term "constituent councils" means the District Councils of Peterborough, Ororoo-Carrieton, Mount Remarkable and The Flinders Ranges Council;
  - (2) the term "the Panel" means the Flinders Regional Development Assessment Panel.
  - (3) in the calculation of "clear days" in relation to the giving of notice before a meeting:
    - (a) the day on which the notice is given and the day on which the meeting occurs, will not be taken into account; and
    - (b) Saturdays, Sundays and public holidays will be taken into account.