

## Agenda Report for Decision

**Meeting Date: 29 September 2022**

<b>Item Name</b>	Extension of the Building Technical Panel's term
<b>Presenters</b>	Stuart Dowie
<b>Purpose of Report</b>	Decision
<b>Item Number</b>	5.1
<b>Strategic Plan Reference</b>	N/A
<b>Work Plan Reference</b>	N/A
<b>Confidentiality</b>	Not Confidential (Release Delayed)
<b>Related Decisions</b>	N/A

### Recommendation

It is recommended that the State Planning Commission (the Commission) resolves to:

1. Approve the designation of this item as Not Confidential (Release Delayed). To be released upon approval by the Minister for Planning (the Minister) to extend the term of the Building Technical Panel (the Panel) and confirmation of final appointment by the Panel's Members.
2. Agree to extend the term of the existing Panel's Members for a further two years (until 1 October 2024).
3. Approve and authorise the Chair of the Commission to approve the updated Terms of Reference (**Attachment 1**).
4. Approve and authorise the Chair to write to the Minister seeking approval of the updated Terms of Reference and to extend the Panel's term for two years (**Attachment 2**).
5. Subject to the Minister's approval being received, agree to extend the term of the following existing Panel Members until 1 October 2024:
  - Ms Debbie Frisby
  - Mr Jeffrey Shillabeer
  - Ms Joanne Payne
  - Ms Miranda Centofanti
  - Mr Bernie Steer
  - Mr Brett Fennell
  - Mr James Cibich
  - Ms Leah Bertholini

- Mr Nick Ingerson
  - Mr Peter Murton.
6. Subject to the Panel Members' prior verbal agreement, authorise the Chair to write to the Members advising of the extension of their term.
  7. Approve and authorise the Chair to make any minor amendments to the attachments as required.

## Background

The Panel was formed by the Commission in May 2020 to replace the former Building Committee (the Committee). While the former Committee undertook both policy and statutory functions for the Commission, the Panel now performs delegated statutory functions only. This is similar to the former Building Rules Assessment Commission (BRAC), which operated under the *Development Act 1993*.

This decision was taken given the Committee's effort in supporting the implementation of the *Planning, Development and Infrastructure Act 2016* (the Act) (particularly *Practice Direction 9 – Council Inspections 2020*) was considered completed, as well as a general desire to refine the Committee's purpose and refresh its membership. The Panel was formed by the Commission under section 29 of the Act, with approval by the former Minister for Planning, with its Terms of Reference and Operating Directions also set by the Commission (**Appendix A**).

## Statutory functions and composition

The primary statutory functions currently delegated to the Panel by the Commission are to:

- Issue concurrence on applications for building consent that seek to vary the performance requirements of the South Australian Building Rules – which are comprised of the relevant Regulation together with the National Construction Code (NCC) and Ministerial Building Standards (MBSs).
- Issue concurrence on applications for building consent for certain high-risk matters prescribed by the Relevant Regulation, which is currently limited to private bushfire shelters.
- Provide an opinion, when requested by an applicant, about whether a proposed performance solution achieves the performance requirements of the Building Rules.

The current fee for either concurrence or opinion is \$359.

The Panel is comprised of four members, including a Chair, Deputy Chair, two ordinary members and six occasional members to offer further specialist advice as necessary. The current Chair is Ms Debbie Frisby.

The Chair is entitled to sessional fees of \$258 per four-hour session, while Ordinary members and Occasional members are entitled to sessional fees of \$206 per four-hour session. The Panel is a Category 2, Level 2 Board under the Department of the Premier and Cabinet's Remuneration Framework.

The Panel has its own webpage on the PlanSA website which is available at the following link: [www.saplanningcommission.sa.gov.au/building-technical-panel](http://www.saplanningcommission.sa.gov.au/building-technical-panel).

## Discussion

The existing Panel Members were appointed for a term not exceeding two years which is due to end on 1 October 2022.

It should be noted that the Panel currently has four possible forthcoming matters; one Application for an Opinion and three Applications for Concurrence for private bushfire shelters, which are likely as a direct result of the recent investigations into private bushfire shelters undertaken Planning and Land Use Services (PLUS).

Due to this anticipated workload, it is recommended that the Commission extend the term of the existing Panel Members for two years, expiring 1 October 2024.

The current Panel Members and their primary expertise are listed below:

- Ms Debbie Frisby – Chair – Accredited Professional—Building Level 1 and Lecturer on building surveying and fire engineering.
- Mr Jeffrey Shillabeer – Deputy Chair – Accredited Professional—Building Level 1 and Accredited Professional—Planning Level 3 (council).
- Ms Joanne Payne – Ordinary Member – Building Designer and licensed builder.
- Ms Miranda Centofanti – Ordinary Member – Senior Project Manager and former Architect.
- Mr Bernie Steer – Occasional Member – Accredited Professional—Building Level 1 (council).
- Mr Brett Fennell – Occasional Member – Accredited Professional—Building Level 1 (private) with expertise in disability access.
- Mr James Cibich – Occasional Member – Civil and Structural Engineer with qualifications in law.
- Ms Leah Bertholini – Occasional Member – Country Fire Service development assessment and fire safety expert.
- Mr Nick Ingerson – Occasional Member – Architect with expertise in energy efficiency.
- Mr Peter Murton – Occasional Member – Expert in engineering for building services (electrical), fire safety and bushfire protection.

More detail on the Panel members experience and qualifications are publicly available on the Commission's [website](#).

The Panel's Terms of Reference have been updated for the Commission's endorsement. This includes minor administrative changes designed to align the Panel's operation with the Commission's other sub-committee (**Attachment 1**).

A draft Minute to the Minister seeking approval of the updated Terms of Reference and extension of the Panel's term is provided at **Attachment 2** for the Commission's endorsement.

On 3 February 2022, the Commission agreed that PLUS will undertake further investigations and provide a further report to the Commission with recommendations on the ongoing role and function of the Panel, to form part of the Panel's bi-annual review. The Commission is advised that this work is ongoing but is currently paused due to resourcing constraints in the Building Policy and Programs Team. Further updates will be provided to the Commission once the Team is back to full capacity.

**Next steps**

Subject to the Minister's approval to reappoint the existing Panel Members for another two-year term, PLUS will develop a communications plan to raise the profile of the Panel and the ease of application process.

**Attachments:**

1. Building Technical Panel – Proposed Terms of Reference (#19272421).
2. Draft Minute to the Minister for Planning – Seeking approval to extend the Building Technical Panel's Term (#19290742).

**Appendices:**

- A. Building Technical Panel – Current Terms of Reference & Operating Directions (#14856557).

Prepared by: Brittany Anderson, Wendy Mulvihill and Stuart Dowie

Endorsed by: Greg van Gaans

Date: 23 September 2022



## **BUILDING TECHNICAL PANEL**

### **Terms of Reference**

#### **1. PURPOSE**

The Building Technical Panel (Panel) is a statutory entity established by the State Planning Commission (the Commission) under section 29(1)(c) of the *Planning, Development and Infrastructure Act 2016* (PDI Act) to support the operation of the South Australian planning and development system under both this Act and the *Development Act 1993* (the Development Act) (until the repeal of the Development Act).

##### **1.1. Delegated functions**

The Panel is responsible for exercising delegated functions under both the Development Act and the PDI Act, as the transition to the PDI Act takes place.

###### *Development Act 1993*

The functions, powers and duties of the former Building Rules Assessment Commission (BRAC) under the Development Act have been delegated by the Commission to the Panel, following these powers being assumed by the Commission by operation of clause 6(1) of Schedule 8 of the PDI Act.

These delegated functions, powers and duties enable the Panel to concur in the granting of a consent that is at variance with the Building Rules, provide an opinion on compliance with the Building Rules, and concur in the granting of a building rules consent for development of a private bushfire shelter.

###### *Planning, Development and Infrastructure Act 2016*

The Commission's functions with respect to sections 118(2)(a), 118(4), 118(5) and 118(7) under the PDI Act have been delegated to the Panel. These sections largely replicate the functions under the Development Act:

- Section 118(2)(a) requires that a development that is at variance with the Building Rules must not be granted a building consent unless the variance is with the performance requirements of the Building Code or a Ministerial Building Standard and the Panel concurs in the granting of the consent.
- Section 118(4) states that a relevant authority may, at the request or with the agreement of the applicant, refer proposed building work to the Commission for an opinion on whether or not it complies with the performance requirements of the Building Code or a Ministerial Building Standard.

- Under section 118(5), regulations made for purposes of this subsection may provide that building work of a prescribed class must not be granted a building consent unless the Panel concurs in the granting of the consent.
  - Under Regulation 45(6) of the *Planning, Development and Infrastructure (General) Regulations 2017* (for the purposes of section 118(5) of the PDI Act), a building work comprising or including the construction or installation of a private bushfire shelter must not be granted a building consent unless the Panel concurs in the granting of the consent.
- Section 118(7) states that a relevant authority must seek and consider the advice of the Panel before imposing or agreeing to a requirement in relation to an inconsistency exists between the Building Rules and the Planning Rules in relation to a State heritage place or a local heritage place, that would be at variance with the performance requirements of the Building Code or a Ministerial Building Standard.

## **2. PRINCIPLES**

The Panel and its Members will operate consistently with the following principles:

- act lawfully
- act impartially
- remain open, acting with integrity and providing frank and fearless advice
- work with purpose and alignment to achieve quality outcomes and the delivery of results
- maintain the confidence of the Commission, Government, Parliament and the community
- maintain appropriate confidentiality of Panel discussions and advice.

## **3. MEMBERSHIP**

The Panel will have two types of membership: core membership and specialist membership.

### **3.1. Core membership**

The core membership of the Panel is to be no more or less than four persons.

One core member will be appointed by the Commission as Chair of the Panel, and one core member will be appointed as Deputy Chair of the Panel.

Core members will be appointed for a term not exceeding two years, and on conditions determined by the Commission. On the expiration of this term, members may be eligible for reappointment as determined by the Commission.

Core membership must, as far as practicable, comprise equal numbers of women and men.

In making appointments to the core membership Panel, the Commission should consider that the members collectively have qualifications, knowledge and expertise in the following areas, and have proven ability in interpreting the requirements of the Building Rules in relation to:

- design, building and construction
- structural engineering
- building engineering services (mechanical, hydraulic, electrical, HVAC etc.)
- building surveying; and
- building fire safety and/or fire-fighting operations.

In considering appointments, the Commission should also note the need for the Panel to have sufficient collective expertise in disability access, to enable the Panel to consider and make appropriate decisions as required under the *Disability Discrimination Act 1992* (Cth), Regulation 80A of the *Development Regulations 2008* (until repealed), and *Ministerial Building Standard 006 – Modifications to the application of the Building Code* (MBS 006), operational under the PDI Act.

### **3.2. Specialist membership**

Noting the complexity of building issues that the Panel may have to consider, when undertaking its assessment functions, the Panel may draw on specialist technical membership to assist it to discharge these functions.

The specialist membership of the Panel is to comprise no more than six persons.

The pool of specialist members will be determined by the Commission, and a register of both core and specialist members of the Panel will be published and maintained on the PlanSA Portal by Planning and Land Use Services (PLUS).

Specialist members will be appointed to the pool for a term not exceeding two years, and on conditions determined by the Commission. On the expiration of this term, specialist members may be eligible for reappointment as determined by the Commission.

#### **4. REMUNERATION**

Sessional fees will be paid to core Panel Members in line with a determination of Cabinet or the Chief Executive, Department of the Premier and Cabinet in accordance with Department of the Premier and Cabinet Circular *PC016 – Remuneration for Government Appointed Part-Time Boards and Committees (September 2016)*, and the *Boards and Committees – Remuneration Framework* (approved by Cabinet on 10 December 2007).

Specialist Panel Members who are required to attend a Panel meeting will be remunerated at the same sessional rate as core Panel Members.

#### **5. ROLES AND RESPONSIBILITIES**

##### **5.1. State Planning Commission**

The Commission delegates functions to the Panel that the Panel will exercise on behalf of the Commission.

##### **5.2. Chair**

The primary role and function of the Chair (or the Deputy Chair if acting as Chair) is to lead and manage the processes and practices of the Panel, and to ensure the effective delivery of the Panel's functions.

The Chair will also act as the primary conduit between the Panel, the Department for Trade and Investment, the Commission and other relevant authorities as required.

##### **5.3. Department for Trade and Investment**

The Department will support the Panel in accordance with a Service Level Agreement between the Commission and the Department.

A Governance Officer shall be assigned to support the Panel. The Governance Officer will ensure agendas, minutes, an actions register, and any other relevant documentation is prepared and distributed.

The Building Policy and Programs Team within PLUS will provide additional support as necessary on building related matters.

#### **6. GOVERNANCE**

##### **6.1. Returns and Declarations**

Members must, within 60 days of appointment, submit a Primary Return identifying any financial or other interests. The register records the member's main business activities, involvement with other business organisations, vendors, business interests and other associations that might product a conflict of interest.

Members must, within 60 days of 30 June annually, submit an Ordinary Return identifying any financial or other interests.



Members must also submit a Pecuniary Interest declaration at the end of each financial year to identify the nature of any transaction entered into by the Department with any Panel Member or with any firm, trust or company in which a Panel Member has either a direct or indirect financial interest.

The Department will maintain a register which records the Member's main business activities, involvement with other business organisations, vendors, business interests and other associations that might produce a conflict of interest with the activities of the Panel.

## **6.2. Conflicts of Interest**

Members must, as soon as he or she becomes aware of an actual or potential conflict of interest, or the potential for a perceived conflict of interest, disclose the nature and extent of the interest to the Chair of the Panel.

If a Member declares a conflict of interest, that Member must not take part in any discussion or decision on the matter and must be absent from the meeting when any deliberations are taking place or a decision is being made.

If a conflict of interest has been declared by a Member, the general nature of the interest must be recorded in the minutes of the meeting of the Panel.

## **6.3. Independent Commission Against Corruption**

In accordance with the *Directions and Guidelines for Public Officers* (Directions and Guidelines) published by the Independent Commissioner Against Corruption (ICAC), Panel Members are classified as 'public officers'.

In accordance with the Commissioner's Directions and Guidelines all 'public officers' have an obligation to report a matter that is reasonably suspected of involving corruption, misconduct or maladministration in public administration to the Office for Public Integrity (OPI). The process for reporting such a matter to the OPI is outlined in the Directions and Guidelines document and on the ICAC website at [www.icac.sa.gov.au](http://www.icac.sa.gov.au).

## **6.4. Public Interest Disclosure Act 2018**

The *Public Interest Disclosure Act 2018* commenced on 1 July 2019. This law strengthens accountability in government and ensures public officers who make a disclosure are protected.

## **6.5. Confidentiality**

Members must ensure that any confidential information remains confidential and is not disclosed improperly to others.

Members must refer all enquiries from all external parties (including media) directly to the Governance Officer for action.

## **7. MEETINGS AND PROCEDURES**

### **7.1. Applications**

Applications are to be submitted to the Panel on standard forms available on the PlanSA Portal, accompanied by any relevant documentation: [https://saplanningcommission.sa.gov.au/building-technical-panel/role\\_of\\_the\\_panel/Application\\_forms](https://saplanningcommission.sa.gov.au/building-technical-panel/role_of_the_panel/Application_forms).

Applications must be accompanied by payment of the scheduled fee as prescribed in the *Development Regulations 2008* or, following the repeal of these Regulations, as prescribed in the *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019*.

An initial administrative check will be carried out by the Department to ensure that all relevant information has been provided with the application and that the relevant fees have been paid.

The Department will ensure that the documentation provided is adequate for the Panel to consider and make a determination. If additional information is required, this must be provided prior to a hearing being called.

The Chair will then be notified of the application and a hearing will be called to consider the matter.

The Chair will determine if it is appropriate for any relevant specialist members to be called upon to be part of the Panel, depending on the nature and complexity of the matter to be considered.

### **7.2. Meeting schedule**

A date and time for a hearing to consider an application will be agreed through consultation between the Chair, the applicant, and the Members required (core and specialist). Following a decision, the applicant will be advised of the date, time and place of the hearing.

Under Regulation 41 of the *Development Regulations 2008*, the time within which a building rules decision must be made by a relevant authority can be extended by two weeks if an application is referred to the Panel. This Regulation does not apply to matters referred to the Panel under the PDI Act; however, the Panel should seek to meet and deal with the matters promptly.

### **7.3. Agenda and meeting papers**

An agenda and any associated meeting papers for prior reading will be distributed by the Governance Officer no less than five working days prior to the meeting.

#### **7.4. Attendance**

The Chair will preside over meetings of a Panel to which they are appointed and presiding.

The Deputy Chair will preside over meetings if the Chair is absent.

In the absence of both the Chair and Deputy Chair, another member of the Panel will be chosen by those members present to chair the meeting.

A quorum of the Panel consists of a number ascertained by dividing the total number of appointed Members by half, ignoring any fraction resulting from the division, and adding one (and no business may be transacted at a meeting of the Panel unless a quorum is present).

Where an opinion is sought from the Panel on disability access matters, an access panel consisting of at least one third of members suitably qualified in access must be convened to consider the application.

Where an application for concurrence has been referred to the Panel after a referral to a fire authority has been made under either the Development Act or PDI Act, and the relevant authority is of the view to not include any or all of the fire authority's recommendations, one representative from the relevant fire authority may attend the hearing in order to present their argument for the inclusion of their recommendations. Where both fire authorities have been referred to under the Development Act or PDI Act, one representative from each fire authority may attend.

#### **7.5. Proceedings**

The Chair will facilitate the meeting in a manner which promotes healthy, orderly, constructive, respectful and expeditious discussion and not allow repetitious or irrelevant discussion having regard to the function of the Panel.

Meetings of the Panel convened to hear an application will be conducted as follows:

- a) The Chair will outline the matter before the Panel and ensure that members understand the matter to be considered before inviting the applicant to join the meeting.
- b) The applicant (or relevant authority) will present the case to the Panel and give reasons for seeking an opinion or concurrence from the Panel.
- c) Members of the Panel can then ask questions of the applicant to clarify matters pertaining to the case and the applicant may refer some of those questions to their advisor(s).
- d) Rules of natural justice prevail – all parties involved in the assessment must be given the opportunity to be heard and to respond to opposing views.
- e) Decisions must be made based on the documents before the Panel.

- f) Once the Panel has considered the matter, the Chair will thank the applicant for attending the meeting and advise that the Panel will consider the matter in camera, before making its determination.
- g) The applicant should be advised that they can generally expect to receive the Panel's determination within five working days after the decision has been made.
- h) All decisions of the Panel shall be made on the basis of a majority decision of the members present.
  - i. Decisions of the Panel are carried by the majority of votes cast.
  - ii. Each member has one vote, and the Chair has a casting vote, if required to address an even vote.
- i) The Panel may, for the purposes of making a determination, request additional information or clarification during the course of the hearing. Where this occurs, the decision will be deferred until such time as the additional information or clarification has been provided.
- j) A second hearing may be necessary to consider any additional information, or a determination may be made out-of-session
- k) The Panel may, in the interim between the close of the hearing and making its final determination, discuss or clarify with each other, via email, any issues pertinent to the application prior to making its formal decision.

#### **7.6. Proxy**

Proxy Members will not be appointed to the Panel. Members are encouraged to attend via online or teleconference facilities if they are not available to attend in person, otherwise an apology is to be tendered.

#### **7.7. Determination of decision and minutes**

Agendas and minutes of Panel hearings will be confidential.

The Governance Officer will minute the meeting. The minutes will be concise and record only:

- names of Members present
- apologies received from Members
- names of Department staff in attendance
- any disclosure of interest or conflicts made by a Member or Department staff
- the determination (which may include a brief summary of how the Panel reached its decision if deemed necessary).

The minutes shall only record the decision and not the votes for or against.

The minutes, including the determination, of the meeting will be confirmed at the end of each meeting by those Members present.

A letter will then be sent to the applicant notifying of the Panel's opinion, concurrence or otherwise, signed by the Chair.

The minutes will be included in the agenda of the next Commission meeting for noting.

#### **7.8. Attendance of external parties**

Applicants are permitted to bring experts to support the provision of evidence to the Panel at a meeting.

If a party has made a written submission to a forthcoming agenda item which has been put out for public comment, that party may also be invited to attend for that particular item.

Panel meetings are not open to members of the general public or media.

### **8. REVIEW**

These Terms of Reference shall be reviewed by the Panel Chair in consultation with the State Planning Commission following the appointment of a new Panel Chair or every two years (whichever occurs first).

Adopted by the State Planning Commission on 29 September 2022.



**Craig Holden**  
**Chair, State Planning Commission**  
29 / 09 / 2022



**Debbie Frisby**  
**Chair, Building Technical Panel**  
03 / 10 / 2022



**TO: MINISTER FOR PLANNING**

**RE: EXTENSION OF TERM FOR THE STATE PLANNING COMMISSION BUILDING  
TECHNICAL PANEL**

## **PURPOSE**

To seek your approval to update the Terms of Reference for the State Planning Commission's Building Technical Panel (the Panel) and, subject to your agreement, reappoint members to the Panel for a new term.

## **BACKGROUND**

The Panel was formed by the State Planning Commission (the Commission) in May 2020 to replace the former Building Committee (the Committee). While the former Committee undertook both policy and statutory functions for the Commission, the Panel now performs delegated statutory functions only. This is similar to the former Building Rules Assessment Commission (BRAC), which operated under the *Development Act 1993*.

This decision was taken given the Committee's effort in supporting the implementation of the *Planning, Development and Infrastructure Act 2016* (the Act) (particularly *Practice Direction 9 – Council Inspections 2020*) was considered completed, as well as a general desire to refine the Committee's purpose and refresh its membership. The Panel was formed by the Commission under section 29 of the Act, with approval by the former Minister for Planning (the Minister), with its Terms of Reference and Operating Directions also set by the Commission.

### Statutory functions and composition

The primary statutory functions currently delegated to the Panel by the Commission are to:

- Issue concurrence on applications for building consent that seek to vary the performance requirements of the South Australian Building Rules – which are comprised of the relevant Regulation together with the National Construction Code (NCC) and Ministerial Building Standards (MBSs).
- Issue concurrence on applications for building consent for certain high-risk matters prescribed by the relevant Regulation, which is currently limited to private bushfire shelters.
- Provide an opinion, when requested by an applicant, about whether a proposed performance solution achieves the performance requirements of the Building Rules.

The current fee for either concurrence or opinion is \$359.

The Panel is comprised of four members, including a Chair, Deputy Chair, two ordinary members and six occasional members to offer further specialist advice as necessary. The current Chair is Ms Debbie Frisby.

The Chair is entitled to sessional fees of \$258 per four-hour session, while Ordinary members and Occasional members are entitled to sessional fees of \$206 per four-hour session. The Panel is a Category 2, Level 2 Board under the Department of the Premier and Cabinet's *Board and Committees – Remuneration Framework: Approved by Cabinet on 10 December 2007* (the Remuneration Framework).

### Membership

The existing Panel Members were appointed for a term not exceeding two years which is due to end on 1 October 2022.

The current Panel Members and their primary expertise are listed below:

- Ms Debbie Frisby – Chair – Accredited Professional—Building Level 1 and Lecturer on building surveying and fire engineering.
- Mr Jeffrey Shillabeer – Deputy Chair – Accredited Professional—Building Level 1 and Accredited Professional—Planning Level 3 (council).
- Ms Joanne Payne – Ordinary Member – Building Designer and licensed builder.
- Ms Miranda Centofanti – Ordinary Member – Senior Project Manager and former Architect.
- Mr Bernie Steer – Occasional Member – Accredited Professional—Building Level 1 (council).
- Mr Brett Fennell – Occasional Member – Accredited Professional—Building Level 1 (private) with expertise in disability access.
- Mr James Cibich – Occasional Member – Civil and Structural Engineer with qualifications in law.
- Ms Leah Bertholini – Occasional Member – Country Fire Service development assessment and fire safety expert.
- Mr Nick Ingerson – Occasional Member – Architect with expertise in energy efficiency.
- Mr Peter Murton – Occasional Member – Expert in engineering for building services (electrical), fire safety and bushfire protection.

## DISCUSSION

The Panel is currently comprised of building professionals with particular expertise in the assessment and application of Buildings Rules, and who currently undertake certain technical delegated functions on behalf of the Commission. The Commission itself does not possess the relevant expertise to advise on technical building regulatory matters.

Continuation of the Panel is therefore of paramount importance to allow matters that are legislatively referred to the Commission (for opinions or concurrence) to be heard by relevant experts, and for these experts to make timely determinations that support the progression of relevant development applications.

It should be noted that the Panel currently has four possible forthcoming matters; one Application for an Opinion and three Applications for Concurrence for private bushfire shelters. The Commission is required to deal with these matters expeditiously.

Due to this continuing workload, it is recommended that the Commission extend the term of the existing Panel Members for two years, expiring 1 October 2024.

Under section 29(1)(c) of the Act, the Commission is required to seek your approval to establish committees in connection with its functions and powers as a relevant authority under the Act (known as 'Commission assessment panels'). Committees will then provide advice to or act on behalf of the Commission in the performance of its functions or the exercise of its powers.

Whilst the Panel was formally 'established' by the Commission in 2020, with approval of the former Minister, it is unclear whether section 29(1)(c) of the Act applies to the 're-establishment' (or extensions) of committees. Further, as mentioned previously, the Panel is a statutory committee established under the Act, and Members are entitled to sessional fees in accordance with the Department of the Premier and Cabinet's Remuneration Framework.

Therefore, it is considered appropriate to seek your approval to re-establish/extend the term of the Panel by a further two years (until 1 October 2024). The Panel's revised Terms of Reference are also provided at **Attachment 1** for your approval.

Subject to your approval, PLUS intends to develop a communications plan to raise the profile of the Panel and the ease of the application process.



**RECOMMENDATIONS**

It is recommended that you:

- |   |                     |
|---|---------------------|
| 1. Agree to extend the term of the State Planning Commission's Building Technical Panel by two years, expiring on 1 October 2024. | AGREED / NOT AGREED |
| 2. Agree to the revised Terms of Reference for the State Planning Commission's Building Technical Panel ( <b>Attachment 1</b> ).  | AGREED / NOT AGREED |

**NICK CHAMPION MP**  
/ / 2022



**Craig Holden**  
**Chair, State Planning Commission**  
29 / 09 / 2022

**Attachments:**

1. Building Technical Panel Terms of Reference (#19272421).

Contact: Stuart Dowie  
Tel No: 08 7133 2698