



EYRE PENINSULA LOCAL GOVERNMENT ASSOCIATION

REVIEW OF COUNCIL DECISIONS REGIONAL PANEL

TERMS OF REFERENCE

Preamble

On 27th February 2017, as a result of an Ombudsman's Review of Decisions Report the Eyre Peninsula Local Government Association Board (EPLGA) met to consider the establishment of a Regional Panel of Elected Members and staff members to assist Councils in the task of reviewing decisions when they request such assistance.

On 30th June 2017 the EPLGA Board then appointed members to the Regional Panel from whom a portion of members or all of the members may be engaged by a member Council to undertake the task of reviewing its decision(s) as requested by an applicant.

Name of Panel

The EPLGA Review of Decisions Regional Panel ("Panel")

Role

- 1 To provide a pool of Elected Members and Council staff from which a Council can assemble a *Review Panel* to investigate and review its decision(s) as requested by an applicant pursuant to The Local Government Act 1999, Chapter 13 Part 2.
- 2 The selected Review Panel will provide assistance by the conducting of an independent review of the Council's decision(s). (i.e. in response to an application for such a review from an individual, group or other organisation(s)).
- 3 To assist and advise the EPLGA Board on any improvements to the terms of reference of the Panel, overall composition, any operations of the Regional Panel and any other matters of general interest to local government in the reviewing of decisions.
- 4 To remain confidential at all times when reviewing decisions of Councils or Council staff.
- 5 To seek and undertake any required training relevant to reviewing a decision(s) of Councils

Membership & Appointments to Panel

Membership of the Regional Panel will be by the following process:-

- The Executive Officer of the EPLGA will seek nominations from member Councils.
- Those nominations will be considered by the EPLGA Board for appointment to the panel.
- The tenure of panel members will align to Council general elections with nominations and appointments being made as soon as practicable after the Local Government Elections. Panel members are eligible for renomination and no set terms apply to the panel.

- Should there be a vacancy on the regional panel the Executive Officer of the EPLGA will call for nominations for such replacement and all nominations will be considered by the EPLGA Board for appointment(s).
- The Regional Panel membership will be as determined & appointed by the EPLGA Board by resolution.

A Review Panel established by a Council will be as follows:-

- The Review Panel members selected from the EPLGA Review of Decisions Regional Panel is at the discretion of the CEO of the member Council.
- A minimum of two EPLGA Review of Decisions Regional Panel members shall be engaged to undertake the review.

Convenor/Chairperson

At each sitting of an established Review Panel, the members who have been engaged to undertake the review will select a chairperson for the duration of the review.

Meeting Frequency

The Review Panel will meet as soon as possible after being engaged to undertake a review.

Once engaged by a Council the Review Panel will meet as often as it decides. However every effort is to be made to expediently and effectively complete the review.

Meeting Procedures

That prior to engaging any of the EPLGA Review of Decisions Regional Panel members, the requesting Council is to negotiate with the individual EPLGA Review of Decisions Regional Panel members any costs such as travel, etc.

The engagement of the EPLGA Review of Decisions Regional Panel members to form a Review Panel is the responsibility of the Chief Executive Officer of the requesting Council. The Chief Executive Officer is to consult with their elected Council to a reasonable degree in relation to the engagement of persons to undertake the review of decision(s) process.

After electing a chairperson for the Review Panel, the Review Panel will establish its own operating procedures for the review as a first priority.

Executive Support and Implementation

- 1 The Executive Officer of the EPLGA will provide executive support to the Review Panel if required, however every effort should be made to utilise the resources of the Council requesting the review of its decision(s).
- 2 In addition, the Review Panel may from time to time require other external advice which must be approved and paid by the member Council who established the Review Panel. The advice payment may also involve sharing costs with the applicant requesting a review of the decision(s).

Delegation

The Review Panels are to use the policies and procedures of the Council establishing the Review Panel.

Reporting

The Review Panel will be responsible for reporting the review outcomes to the member Council. The member Council will consider the Review Panels report and advise the applicant requesting a review of the Council's decision(s), the Report outcomes and Council's response and/or remedies.

Records Management

The Council who establishes the panel is responsible for adherence to the State Records Act 1997 in relation to the review.

Document Control:

Implementation: 1 Dec 2017 Motion: 612/17

Review:

Reviewed...../...../..... EPLGA Review Motion No:.

Certification:

I, (Print Name) certify that this is the current copy of the Chief Executive Officer Committee terms of reference.

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Signature

Date:/...../.....