



Terms of Reference

Objectives

The objectives of the State Planning Commission - Building Committee are:

- To consider matters referred to it under the *Development Act 1993* (Development Act) and the *Planning, Development and Infrastructure Act 2016* (PDI Act);
- To administer as appropriate any delegated functions of the State Planning Commission; including
- To provide concurrence on applications seeking to allow a variance with the performance requirements of the Building Rules.
- To provide expert opinion, when requested by a relevant authority, on whether the performance requirements of the Building Rules have been met by a particular performance solution;
- To report to the State Planning Commission on such matters as determined by the Minister or referred by the State Planning Commission;
- To provide concurrence on applications granting consent for specific types of building work as required¹;
- To administer the Development Act and PDI Act in regard to design, construction and maintenance of buildings;
- To advise on the adequacy and application of the Building Rules;
- To provide advice to the South Australian representative on the Australian Building Codes Board as requested;
- To endorse building-related Practice Guidelines and Practice Directions issued under the PDI Act; and
- To provide advice on Advisory Notices Building issued by the Department of Planning, Transport and Infrastructure.

Principles

The Building Committee will work together to support the successful implementation of its activities by:

- Working with purpose and alignment to achieve quality outcomes;
- Creating an environment of participation, where honest, open and robust discussions are encouraged;
- Remaining open, acting with integrity and providing frank and fearless advice;
- Being professional on all fronts, including in the respectful recognition of differing views and opinions; and;
- Recognising that communication, information sharing and consultation are the keys to facilitating effective cooperation and a spirit of trust.

¹ For example, providing concurrence for the construction or installation of a private bushfire shelter, reflecting transferral of this responsibility (which came into force in March 2016) from the Building Rules Assessment Commission to the Committee.

Membership

To ensure a well-functioning committee, membership is limited to no more than 7 persons (including the Chair and Deputy Chair). One Member will be appointed by the State Planning Commission (Commission) as Chair, and one Member will be appointed as Deputy Chair.

Members will be appointed for a term determined by the Commission and may be subject to an annual performance review.

It is recommended that in nominating persons for appointment as Members of the Building Committee (Committee), the Commission 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:

- Architecture
- Structural engineering
- Building engineering services
- Building surveying
- Building fire safety
- Fire fighting operations
- Access for persons with a disability
- Regulations and compliance

In considering appointments, the Commission should note that to function as an 'Access Panel' as required under the *Disability Discrimination Act 1992* (Cth) and under Regulation 80A of the Development Regulations 2008 (Regulations), at least 33% of the members of the Committee must have expertise in access for people with a disability.

Remuneration

Sessional fees will be paid to Committee Members in accordance with the Department of the Premier and *Cabinet Circular PD016 – 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) at Level 1 of Category 2.

Roles and Responsibilities

The Commission will be responsible for instructing the Committee on its activities. The Committee will prepare a work program for approval by the Commission to inform its role and responsibilities.

Chair

The primary role and function of the Chair is to lead and manage the processes and practices of the Committee, and to ensure the effective delivery of the Committee's objectives.

Executive Officer and Support

An Executive Officer shall be assigned from the Department of Planning, Transport and Infrastructure (DPTI) to support the Committee. With support from DPTI's Governance Unit, the Executive Officer will ensure agendas, minutes, including a record of agreed actions, and other appropriate documentation for each meeting are recorded, prepared and distributed.

The Building Policy Unit within DPTI will provide advice in relation to building policy issues as required, including support for the preparation of the work program for the Committee's consideration. Following preparation, this program will be provided to the Commission for approval.

Conflict of Interest

Immediately on joining the Committee, Members must complete a *Register of Interest - Primary Return*. The register 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.

Committee Members must also declare any conflicts of interest at the start of each meeting or before discussion of the relevant agenda item. The nature of this conflict should be detailed in the meeting minutes.

Where a conflict of interest is identified and/or recorded, the conflicted Member must not initiate or take part in any discussion on the matter, either in the meeting or with other Committee Members before or after the meeting, unless expressly invited to do so by unanimous agreement of the other Committee Members present.

If there is no unanimous agreement, the conflicted Member must leave the room prior to discussion on the matter. In both circumstances, the conflicted Member must not vote on the matter and this is to be recorded in the minutes of the meeting.

Independent Commission Against Corruption

In accordance with the Directions and Guidelines published by the Independent Commissioner Against Corruption (ICAC), Committee Members are classified as 'public officers' because they are:

'A person to whom a function or power of a public authority or a public officer is delegated in accordance with an Act.'

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.

Confidentiality

Members must ensure confidential information received in the process of acting as a Committee Member remains confidential and is not disclosed improperly to others.

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

Meetings and Proceedings

Meeting schedule

The Committee shall meet as agreed between the Chair of the Commission and the Chair of the Committee.

The Committee may also meet on an 'as needs' basis when it is required to exercise its statutory functions within the legislated timeframe (2 weeks) under the Regulations. These meetings are to be termed Assessment Meetings.

The Chair of the Commission must be advised when an Assessment Meeting is to be convened but is not required to approve their occurrence. At these meetings the Committee must consider assessment matters only, i.e. not policy or other matters which must be considered at regular meetings.

Agendas and supporting documentation

An agenda and any associated papers for prior reading will be distributed through the Executive Officer not less than one week (five working days) prior to the next scheduled meeting. Unless deemed confidential, agendas will also be available from the Committee webpage on the Commission's website.

Proceedings

The Committee Chair presides at meetings of the Committee. If the Chair is absent, the Deputy Chair will preside at the meeting.

A quorum of the Committee 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 Committee unless a quorum is present).

Meetings are carried out in such a manner as to ensure the fair and full participation of all Committee Members. Decision making at meetings is by consensus, with a note to be recorded in the minutes if a Member requests that their dissension be noted.

If required, Committee business may be conducted 'out-of-session' by electronic correspondence between the Executive Officer on behalf of the Committee Chair and Committee Members.

Committee hearings will be undertaken in accordance with the Committee's approved Operating Procedures.

Proxy

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

Attendance of outside parties / general public

Applicants are permitted to bring expert support to support the provision of evidence to the Committee.

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.

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

Minutes

Minutes are to be collated and distributed electronically by the Executive Officer no later than one week after the meeting was held.

All meeting minutes must be provided to the Commission for noting. Unless deemed confidential, minutes will also be available from the Committee webpage on the Commission's website.

Provision of Advice to the State Planning Commission

The Committee will provide regular progress reports to the Commission, including provision of advice and recommendations for the Commission's consideration and approval as required.

The Committee will provide an annual report to the Commission in relation to the approved work program.

Review

The Commission reviewed the role of the Committee and its delegated functions in June 2018. The Review considered:

- the method of alignment to the National Construction Code (Code);
- the need for technical interpretation to variations to the Code; and
- the methods to administer ongoing building safety.

The Commission will review the performance of the Committee on an annual basis.

Approved 

Date: 4/19 2018

APPROVED by Chair, Tim Anderson QC