

11.3 Appointment of Independent Members to the Marion Council Assessment Panel

Report Reference	GC250225F11.3
Originating Officer	Manager People and Culture – Kate McKenzie
Corporate Manager	Manager People and Culture - Kate McKenzie
General Manager	Chief Executive Officer - Tony Harrison

CONFIDENTIAL MOTION

1. Pursuant to Section 90(2) and (3)(a) of the *Local Government Act 1999*, the Council orders that the public be excluded from attendance at that part of this meeting relating to Agenda Item *GC250225F11.3 Appointment of Independent Members to the Marion Council Assessment Panel*, except the following persons: Chief Executive Officer, General Manager City Services, General Manager Corporate Services, General Manager City Development, Manager People and Culture, Manager Office of the Chief Executive and Chief Financial Officer, Unit Manager Governance and Council Support, Media and Engagement Advisor, to enable the Council to consider Item *GC250225F11.3* in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to Item *GC250225F11.3*, information concerning the personal affairs of any person (living or dead), the disclosure of which would be unreasonable, being information relating to the names and personal details of the applicants.
2. Determines, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to the personal affairs of the candidates.

REPORT OBJECTIVE

The purpose of this report is to make a recommendation to Council to appoint independent members to the Council Assessment Panel (CAP). If supported, this will also create a vacancy with the Deputy Independent Member and therefore, this recommendation is reflected in two parts.

EXECUTIVE SUMMARY

Pursuant to Clause 5.4.1 of the Review and Selection Committee's (RSC) Terms of Reference, the RSC and the Chief Executive Officer act as the selection panel for all expert members to the Council Assessment Panel (CAP).

The term of two independent CAP members expires at the end of June 2025. The recruitment process was considered late last year, and it was recommended to advertise the roles. These positions were advertised in November and closed in December 2024. Eight applications were received, and interviews occurred in January 2025.

RECOMMENDATION

That Council

Delete any recommendations not required

1. **Recommends to Council that Yvonne Svensson and Jock Smylie are appointed as Independent Members to the Council Assessment Panel for a period of two years until 30 June 2027.**

If recommendation 1 is supported:

2. **Recommends to Council that Carol Muzyk is appointed as Deputy Independent Member to the Council Assessment Panel for a period of two years until 30 June 2027.**

That the Review and Selection Committee:

3. **Pursuant to section 91(7) of the Local Government Act 1999, orders that the following document(s) relating to Agenda Item GC250225F11.3 *Appointment of Independent Members to the Marion Council Assessment Panel*, shall be kept confidential, except when required to effect or comply with Council's resolution(s) regarding this matter, being document(s) relating to a matter dealt with by the Council on a confidential basis under sections 90(2) and 90(3)(a) of the Act, :**
 - **Report**
 - **Minutes****on the grounds that the document(s) on the grounds that the documents relate to information concerning the personal affairs of any person (living or dead), the disclosure of which would be unreasonable, being information relating to the personal affairs of the candidates involved in the Council Assessment Panel appointment.**
4. **Determines this order shall operate until all candidates have been notified, and the appointment process is complete and will be reviewed every 12 months.**
5. **Pursuant to section 91(9)(c) of the Local Government Act 1999, delegates to the Chief Executive Officer the power to revoke this order in whole or part.**

BACKGROUND

Section 5.4 of the RSC Terms of References outlines the 'Process to Source Appointment of Expert Members to the Council Assessment Panel (CAP)'.

At its meeting of 5 November 2024, the Committee resolved:

"That the Review and Selection Committee requests that while keeping open the option of reappointment of current CAP member, Administration seek expressions of interest from appropriately qualified/experienced members of the public for up to two independent member positions of the CAP, for either a one-year or two-year term, to be determined by Council".

The CAP currently comprises of the following membership, tenure and relevant eligibility criteria for being appointed to a CAP (as per the Accredited Professionals Scheme, under the *Planning, Development and Infrastructure Act 2016*, and clause 3.2 of the CAP Terms of Reference:

Name	First appointed to CoM CAP	Tenure end	Eligibility
Yvonne Svensson	July 2019	30 June 2025	Architect
Bryn Adams	July 2020	June 2025	Property Officer former, Development Officer
Mike Davies	July 2021 (presiding member from July 2022)	30 June 2026	Urban Planner
Benjamin Russ	July 2022	30 June 2026	Planning data former, Urban and Transport Planner
Jock Smylie	July 2022 (Deputy Independent Member)	30 June 2026	Architect

The CAP shall comprise a maximum of 5 (five) members, only 1 (one) of which can be (but need not be) a Council Member. Councillor Matthew Taylor is the current Council Member appointed to the CAP and his term expires 30 June 2025.

DISCUSSION

The Committee is required to make a recommendation to Council regarding the appointment of Independent Members to the CAP.

The term of office for each CAP member is as determined by Council but in any event shall not exceed 2 years. Council can appoint members to a lesser term. An independent member is entitled to be re-appointed as a CAP member for multiple successive terms by Council resolution. A Council Representative is entitled to be re-appointed as a CAP Member for a second successive term by a resolution of the Council.

Two independent member's positions expire on 30 June 2025, these being:

- Yvonne Svensson
- Bryn Adams

These positions were advertised a total of eight applications were received. After a selection and interview process, the Committee would like to recommend to Council that the following candidates are appointed to CAP as Independent Members:

- Yvonne Svensson (current Independent Member)
- Jock Smylie (current Deputy Member)

Please note that Jock Smylie is the current Deputy Independent Member. The role of the deputy member is to act in place of Panel Members when those members are unable to attend a meeting (due to illness, holiday etc.). Council can choose to appoint up to five (5) deputy members. If Mr Smylie is appointed, this will create another vacancy. The Committee has considered this and

recommends that Ms Carol Muzyk be appointed to this position. Ms Muzyk has been consulted and would be interested in fulfilling the Deputy position.

Accreditation of Panel Members

Section 88 of the PDI Act requires CAP members to obtain accreditation in order to perform, exercise or discharge the functions, powers or duties relevant to acting as a member of an assessment panel.

The Accredited Professionals Scheme became operational under the PDI Act from 1 April 2019 and accordingly, it is essential that members must be eligible and willing to attain and retain an Accredited Professional – Planning level 2 accreditation in order to serve on the CAP.

All candidates recommended Candidates already hold Accredited Professional – Planning Level 2 accreditation. Administration recommends that members must be responsible, at their own cost, to obtain and retain Accredited Professional – Planning Level 2 accreditation.

Maintaining the accreditation also involves certain amounts of professional development which would be paid for and undertaken by the Independent Members (this will be tax deductible for them).

Conclusion

Direction is sought from the RSC to recommend to Council the appointment of Ms Yvonne Svensson, Mr Jock Smylie and Ms Carol Muzyk (Deputy) to the CAP.

ATTACHMENTS

Nil