

Planning, Development and Infrastructure Act 2016

Assessment Panel Procedures - Section 84(1)(e)(ii)

Application

These procedures apply and are in relation to a combined, local or regional assessment panel established under section 84 or clause 13 of Schedule 8 of the *Planning, Development and Infrastructure Act 2016* (the Act).

1—Public access to meetings

(1) In connection with the conduct of the proceedings of an assessment panel, members of the public are entitled to attend a meeting of the panel other than as set out in subclause (2).

(2) An assessment panel may exclude the public from attendance at a meeting—

(a) during so much of the meeting as is necessary to receive, discuss or consider in confidence any of the following 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 unreasonably 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 should be considered in confidence in order to ensure that the assessment panel, or any other entity, does not breach any law, or any 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 assessment 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, the State Planning Commission, or another public authority or official; and

(B) would, on balance, be contrary to the public interest;

(b) during so much of the meeting that consists of its discussion or determination of any application or other matter that falls to be determined by the assessment panel.

2—Minutes and other documents

(1) An assessment panel must ensure that accurate minutes are kept of its proceedings.

(2) A disclosure by a member of an assessment panel of a direct or indirect pecuniary interest in any aspect of a development or any body associated with any aspect of a development required under the Act must be recorded in the minutes of the assessment panel.

(3) Members of the public are entitled to reasonable access to—

(a) the agendas for meetings of an assessment panel; and

(b) the minutes of meetings of an assessment panel.

(4) However, an assessment panel may, before it releases a copy of any minutes under subclause (3), exclude from the minutes information about any matter dealt with on a confidential basis by the assessment panel.

(5) Minutes must be available under subclause (3) within 5 business days after their adoption by the members of the assessment panel.

3—Quorum

A quorum at a meeting of an assessment panel is a number obtained by dividing the total number of members of the assessment panel for the time being in office by 2, ignoring any fraction resulting from the division, and adding 1.

4—Voting

(1) Each member of an assessment panel present at a meeting of the assessment panel is entitled to 1 vote on a matter arising for decision and, if the votes are equal, the member presiding at the meeting is entitled to a second or casting vote.

(2) Subclause (1) does not apply to a person who is taken to be a member of an assessment panel under section 85 of the Act.

5—Validity of proceedings

A proceeding of an assessment panel (and any decision made by an assessment panel) is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

6—Other matters

Except insofar as a procedure is not prescribed by the Act or regulations under the Act, the procedures of an assessment panel in relation to the conduct of its business will be as determined by the assessment panel.