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TERMS OF REFERENCE

PROPERTY SERVICES EXPERT PANEL

1. PURPOSE

- 1.1 The Property Services Expert Panel (the panel) is a consultative forum, which will:
- 1.1.1 facilitate two-way communication between the Government and key industry groups in the property services sector
 - 1.1.2 Act as a single source to provide coordinated advice to industry from the regulator on compliance, education, licensing and other statutory obligations of persons licensed under the Property and Stock Agents Act 2002
 - 1.1.3 provide expert and diverse industry advice to assist with the NSW Government's development of policy, compliance programs, dispute resolution services and communications affecting the property services sector
 - 1.1.4 monitor and report to Government about emerging issues and industry trends
 - 1.1.5 foster improved collaborative relations between the NSW Government, NSW Fair Trading and industry in the interests of a better functioning property market and improved outcomes for consumers.
- 1.2 Any policy changes recommended by the panel will be subject to normal Government evaluation and decision-making processes, including the confidential Cabinet process.

2. MEMBERSHIP

- 2.1 The panel consists of the following positions:
- 2.1.1 Panel Chair
 - 2.2.2. Panel members
- 2.2 The Chair and other members of the panel are not remunerated positions.
- 2.3 Panel members are directly appointed by the Minister for Better Regulation and Innovation (the Minister) by notice in writing.
- 2.4 Prospective panel members may submit expressions of interest to the Minister for consideration.
- 2.5 The panel membership shall initially consist of one senior representative from each of the following organisations:
- 2.5.1 Real Estate Industry Partners
 - 2.5.2 Two major real estate business groups
 - 2.5.3 Schute Bell

- 2.5.4 Real Estate Employers Federation
- 2.5.5 Real Estate Institute of New South Wales
- 2.5.6 Australian Livestock & Property Agents Association
- 2.5.7 One representative of Strata Community Association (NSW) and one additional strata agent
- 2.5.8 Estate Agents Co-operative
- 2.5.9 Australian Institute of Business Brokers (NSW Chapter)
- 2.5.10 Australian Resident Accommodation Managers' Association
- 2.5.11 One representative of a registered real estate training organisation
- 2.5.12 Property Owners Association NSW
- 2.6 Panel membership may be expanded by the Minister beyond the initial industry appointments listed at 2.5, particularly if the panel is asked to advise on matters affecting groups not represented on the panel.
- 2.7 A panel member remains on the panel for such period (not exceeding two years) as is specified in the member's letter of appointment and is eligible for re-appointment.
- 2.8 A panel member may resign from the panel at any time by notice in writing to the Minister.
- 2.9 The Minister may remove an appointed member from office at any time by notice in writing.

3. MEETINGS

- 3.1 The panel will meet every 6 weeks, unless urgent issues arise which require convening an ad-hoc meeting of the panel.
- 3.2 Secretariat functions of the panel involving scheduling panel meetings, circulating meeting agendas, taking meeting minutes and generally supporting the panel Chair will be carried out by the Department of Customer Service (DCS).
- 3.3 Staff from the Minister's Office and from DCS are not members of the panel but are entitled to attend all meetings for the purposes of:
- 3.3.1 Observing
 - 3.3.2 Delivering reports
 - 3.3.3 Carrying out secretariat functions.
- 3.4 All meeting documentation will be circulated at least three working days prior to each meeting.
- 3.5 The quorum for a meeting of the panel is a simple majority of its members.
- 3.6 The format of panel meetings, whether in person or exclusively online, will be decided by the panel Chair. For meetings held in person, the secretariat must ensure

that there is an option in all meeting appointments for panel members to attend remotely.

- 3.7 If members are unable to attend a meeting, they may nominate an alternative representative of their organisation in advance or give their apologies and instead provide out of session comments.
- 3.8 The Chair is to preside at panel meetings. If the Chair is absent, another member of the panel elected by the members of the panel who are present is to preside at a meeting of the panel.

4. VOTING

- 4.1 If a collective panel decision is to be made regarding a position to present to Government, a panel decision is supported by a majority of the votes cast at a meeting of the panel at which a quorum is present.
- 4.2 The presiding member has a deliberative vote and in the event of a tied vote the presiding member has a second or casting vote.

5. AGENDA ITEMS and MINUTES OF MEETINGS

- 5.1 Minutes of meetings are to be a true and balanced reflection of the discussion and decisions of the panel and will be circulated with the agenda for the next panel meeting.
- 5.2 An update to the panel from NSW Fair Trading is to be included as a standing meeting agenda item, to report on policy reforms, compliance and dispute resolution results and other relevant news.
- 5.3 The panel's priority topics for consideration will be as per the Minister's written communication to the Chair from time to time. The panel may also raise its own issues for discussion so long as they do not interfere with proper consideration of the Minister's priorities.

6. CONFIDENTIALITY

- 6.1 Panel meetings are not public proceedings, with the contents of panel discussion to be kept confidential between the panel Chair, members of the panel, others invited to panel meetings and those who need to know within the panel members' organisations.
- 6.2 Panel members are expected not to make public comments on behalf of the panel or seek to represent the panel publicly but may acknowledge their appointment to the panel by the Minister.

6.3 Statements and communications representing the whole panel should be left to the panel Chair.

7. POTENTIAL CONFLICTS OF INTERESTS

7.1 If the panel Chair or a panel member knows or suspects that they may have an actual, potential or perceived conflict of interest relating to their role as a panel member, they must:

7.1.1 declare the matter to the panel Chair, and

7.1.2 together with the panel Chair, consult DCS on how to manage the conflict of interest.

7.2 An actual, potential or perceived conflict of interest may be managed in an approach determined by the panel Chair and DCS. For example, the panel member may be restricted from attending a panel meeting where the source of the conflict is being discussed.

7.3 Particulars of any actual, potential or perceived conflict of interest declared must be recorded by the panel secretariat.

8. AVENUES FOR COMPLAINT

8.1 Panel members with concerns about the operation of the panel or the conduct of fellow panel members should raise their concerns directly with the panel Chair.

8.2 The panel Chair, after receiving a complaint from a panel member, chair may choose to consult the Minister and/or DCS on how to resolve the issue.

PANEL CHAIR ROLE DESCRIPTION

Key responsibilities:

- The panel Chair is responsible for:
 - chairing panel meetings, including ensuring the panel adheres to its terms of reference and standards of conduct are observed,
 - co-ordinating the views of different panel members, and
 - liaising with the Department of Customer Service and the Minister's Office on behalf of the panel as a whole.

- Other roles of the panel Chair include:
 - Attending all meetings and notifying the panel members in advance of any absences
 - acting as the final decision maker when voting is tied
 - maintaining records of correspondence from the Panel to the Minister or the Department of Customer Service.

PANEL MEMBER ROLE DESCRIPTION

Key responsibilities:

- Panel members are responsible for:
 - attending meetings regularly and notifying the panel Chair in advance of any absences
 - participating in the work of the panel, including discussions at panel meetings
 - participating in panel discussions in good faith, bringing a spirit of collaboration and co-operation for the betterment of the industry as a whole
 - communicating industry perspectives to Government
 - complying with these Terms of Reference