



# State Planning Commission Governance Manual

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# 1. State Planning Commission Governance Manual

## 1.1 Purpose of the State Planning Commission Governance Manual

The purpose of this Governance Manual is to provide a governance framework for the Commission's operations.

## 1.2 The role of the Commission

The Commission's role is to act as the State's principal planning advisory and development assessment body established under the *Planning, Development and Infrastructure Act 2016* (the *Act*). The Commission is accountable to the Minister for Planning for the administration of the *Act* and to further the *Act*'s objects and principles.

The Commission's functions and powers are set out in section 22 and 23 of the *Act*.

A table outlining other areas of Commission responsibility under the *Act* is available at:

[dpti.sa.gov.au/ data/assets/pdf file/0011/282791/Planning Commission - responsibilities and functions.pdf](https://dpti.sa.gov.au/data/assets/pdf_file/0011/282791/Planning_Commission_-_responsibilities_and_functions.pdf).

At its core, the Commission's role is to *Act* in the best interests of all South Australians in promoting the objects of the *Act*, to encourage state-wide economic growth, to support liveability in ways that are ecologically sustainable, and to meet the needs and expectations, and reflect the diversity, of the State's communities by creating an effective, efficient and enabling system. As a statutory authority, the Commission exists for a public purpose, and is required to both comply with and to implement government policy and existing legislation. This brings with it the highest requirements for transparency, reporting and integrity.

## 1.3 Relationships with the Minister and Department

The role of the Commission intersects with those of two other main parties – the Minister and the Chief Executive of the Attorney-General's Department (the Department). Clarity of understanding and agreement on governance by those parties is necessary to ensure functionality. For the Commission to perform its duties properly, it is essential for these interrelationships to be governed well.

The Minister has overarching responsibility for the planning system, and is ultimately accountable to Parliament and the community for furthering the objects of the *Act*. While under the *Act* the Minister has powers of general control and direction over the Commission, the Minister has no specific powers to direct the Commission in relation to its recommendations or advice, nor the exercise of its discretion in relation to granting a development authorisation.

The Commission has a duty to keep the Minister informed of its activities, and the Minister has access to and the ability to request information from the Commission.

The Minister may approve provision of as many staff as are required to assist the Commission but it is intended for the most part that the Chief Executive will provide the resources necessary to support the Commission's functions under the *Act*. The Chief Executive is to work with and be responsible to the Commission to manage its business efficiently and effectively, and supervise any staff appointed to support the Commission.

Thus the Minister relies on the Commission and the Department to administer the *Act*, and the Commission, in turn, relies on the Department to provide services and support to enable it to do its work.

A Service Level Agreement between the Commission and the Chief Executive the Commission's Work Program available at [INSERT LINK] and the Planning Reform Implementation Strategy available at [dpti.sa.gov.au/ data/assets/pdf file/0009/485559/Implementation Strategy - September 2017.pdf](https://dpti.sa.gov.au/data/assets/pdf_file/0009/485559/Implementation_Strategy_-_September_2017.pdf) map out responsibilities of the respective parties in greater detail, in order to help navigate these complex inter-relationships.

For these arrangements to work properly, there must also be a commitment from all parties to be open, frank and respectful in keeping each other fully informed on matters of substance and allowing each to fulfil to the best of their abilities their roles and functions under the *Act*. The *ex officio* member's presence on the Commission helps to ensure the departmental – Commission relationship is sound. Likewise, the Chair's regular interaction with the Minister and senior departmental officers will support these relationships. In particular, the *ex officio* has an important role in ensuring that the advice of the Commission is informed but not unduly influenced by the Department's perspective. The Commission's autonomy in certain functions, and independence in its advice to the Minister, is vital.

## **1.4 Contents of the Manual**

### **Commission Strategy**

The Commission's Strategic Plan guides the work program and its Communications and Engagement Plan ensures well-organised external engagement.

### **Commission Policies**

A series of policies aimed at good governance.

### **Commission Meeting Procedures**

Support for the daily activities of the Commission.

## **1.5 Review of the Governance Manual**

We will review this Manual every two years.

## 2. Our Strategy

### 2.1 Commission Strategic Plan

This strategic plan frames the way the Commission will conduct its business and describes the emphasis that it will give to its Work Plan over the next 12 to 18 months.

The Strategic Plan will be revised each year to ensure the proposed actions are contemporary and respond to changing circumstances.

A copy of the Commission's current Strategic Plan and indicative Work Plan are available at [www.saplanningcommission.sa.gov.au/about\\_the\\_commission](http://www.saplanningcommission.sa.gov.au/about_the_commission).

### 2.2 Performance Measures

Performance measures established in relation to Strategic Plan delivery are:

2.2.1 Satisfactory progress against the Commission's Work Plan

2.2.2 Fulfilment of Statutory Obligations

2.2.3 Evaluation through benchmark survey of stakeholder confidence

2.2.4 Satisfactory annual review by the Minister

Performance measure review will be undertaken between July and September annually.

## 3. Our Policies

### 3.1 Governance Policy

From time to time the Commission will develop governance policies and these will be attached to this Manual. For some matters the Commission will rely on whole of government and/or Departmental policy. The AGD Governance Unit maintains a register of policies on behalf of the Commission.

#### 3.1.1 Delegations

In order to manage its workload, the Commission delegates some of its functions and powers under the *Act*, so as to authorise others to act on its behalf.

Delegating these powers, functions or duties to a Commission member, the Chair, Committee members, or to officers of the Department, does not absolve the Commission or its members from accountability for the exercise of those powers of functions.

The Commission therefore carefully considers which powers and functions are suitable for delegation, prior to formally delegating the functions and powers by resolution recorded in the minutes of the relevant Commission meeting. The Commission requires the Department to maintain an accurate and up to date register of delegations, including any sub-delegations and that the *ex officio* report to the Commission includes a report on the exercise of delegations on a regular basis. Thus the Commission is kept aware how often delegations are being used, and can confirm that they are being applied as intended.

#### 3.1.2 Transparency

- Public meetings

The Commission may conduct meetings with members of the public in relation to any matter which the Commission considers requires community engagement and input, and where this is required under the *Act* or Regulations.

- Confidentiality

As public officials, Commission members are required to comply with requirements for members of South Australian Government Committees. Members are careful to use information gained through their position only for the purpose for which it has been provided, and to comply with departmental and Governmental directions regarding the use of such information. The Commission consults with other parties regarding the release of any information confidential to such parties, and only releases information after obtaining consent or as permitted or required by law.

#### 3.1.3 Conflicts of Interest Policy

Transparency of Commission decisions maintains the public interest and promotes confidence in its integrity as a statutory authority. Any actual and perceived conflicts of duty or interest must be declared and managed in the public interest of the Commission, not the individual member. A copy of the approved Conflict of Interest Policy is available on the Commission's website.

The Register may be inspected by a member of the public. The Register should be present at every Commission meeting and members are required to notify any specific conflicts likely to arise as a result of agenda items for that meeting.

#### **3.1.4 Gifts and Benefits**

The Commission has approved a Gifts and Benefits policy and established a Gifts and Benefits Register. The policy provides definitions of gifts and benefits and the policy and associated guidelines set out expectations and responsibilities in the public sector regarding the giving and receiving of gifts and benefits. The intent is to prevent Commission members being exposed to improper influence in performing their duties and to ensure Commission members consider the ethical implications including public perceptions of giving or acceptance of gifts and benefits. A copy of the approved Gifts and Benefits policy is available on the Commission's website.

#### **3.1.5 Risk Policy**

The Commission is responsible for:

- identifying and understanding the risks and liabilities arising from Commission activities
- monitoring and managing those risks
- bringing these to the attention of the Minister and the Department where required.

The Governance Unit maintains a register of risks on behalf of the Commission, and supports the Commission in establishing systems and processes to manage those risks. A copy of the approved Risk Policy is available on the Commission's website.

## 4. Commission's Meeting Procedures

### 4.1 Statutory Requirements and Procedures

The Commission membership requirements are set out in section 18 of the *Act*, Sections 19 and 20 of the *Act* set additional member provisions and the conditions of membership of the Commission. The Chair is appointed by the Minister (section 18(4) of the *Act*).

Provisions relating to Commission proceedings are set out in Section 27 of the *Act* and include:

- quorum requirements
- decision and voting requirements
- ability to conduct meetings by telephone or audio-visual equipment provided members have prior notice and concur to the arrangements
- disclosure and non-participation requirements relating to any direct or indirect personal or pecuniary interest in a matter
- a requirement to keep accurate minutes.

The members of the Commission are bound by the Minister's Code of Conduct approved under section 15(2)(d) of the *Act*, as set out in Schedule 3. A copy is available at: [www.saplanningcommission.sa.gov.au/about\\_the\\_commission](http://www.saplanningcommission.sa.gov.au/about_the_commission).

### 4.2 Meeting procedures

Subject to specific requirements set out in the *Act*, section 27(9) permits the Commission to determine its own procedures. Procedures established by the Commission, include:

- members shall review the agenda papers, attend all meetings and formal functions of the Commission wherever possible
- meetings will ordinarily be held in camera unless otherwise determined by the Chair
- members, staff and visitors will not use mobile phones during the meeting.
- no electronic recording or photography will be permitted in meetings other than with the express and prior permission of the Chair
- advance notice of a member's inability to attend a meeting or function of the Commission is required. In the absence of the Chair another member of the Commission will be chosen by those members present to preside over the meeting
- conflicts or potential conflicts of interest should be identified as soon as practicable
- Items may be added to the meeting agenda by prior agreement with the Chair. In addition, motions may be put informally at the discretion of the Chair so long as they are clearly communicated to all members present
- business discussed in meetings is confidential and shall not be discussed with other persons outside of the meeting framework.

### 4.3 Agenda

Meeting agendas will be prepared in a form agreed to by the Chair and the *ex officio* member. Members will have the opportunity to propose additional items for inclusion in an upcoming agenda with the agreement of the Chair.

The Chair, each of the members, and the *ex officio*, each report relevant information and activities via standing items (their reports) at regular Commission meetings. This ensures amongst other things that all members are kept fully apprised of:

- members' relevant activities since the previous meeting
- any complaints submitted to the Chair regarding the operation of assessment panels under the Act (Chair's report)
- departmental updates (*ex officio* reports).

The Agenda also includes strategic topics for discussion, matters for decision and those for information/noting and an item requiring members to declare any potential conflicts, gifts or benefits.

Agendas, including all documentation for the meetings, are made available electronically to members on the Friday afternoon before the scheduled meeting.

Meeting agendas are publicly available on the Commission's website.

### 4.4 Agenda reports

Agenda reports provided to the Commission must comprise accurate, digestible information including sufficient detail to support informed decision-making. The Commission is obliged to take suitable measures to ensure it is properly informed, and to seek advice to help in that process if required. Chairs of Committees established by the Commission should also provide reports to the Commission including the minutes of their meetings and any recommendations made by the Committee/s for the Commission's consideration and to answer any questions.

Agenda reports are not made available to the public.

### 4.5 Minutes

The minutes of meetings will be kept and prepared in a form approved by the Chair.

Commission meeting minutes shall record:

- the names of the members present and any apologies received from members
- the names of all departmental staff in attendance
- the names of all persons appearing before the Commission
- the factual basis for decision and the decision of the Commission in relation to all matters before it
- any disclosure of conflict of interest, gift or benefit made by a member of the Commission or departmental staff.

As decisions of the Commission are carried by a majority of the votes cast, the minutes will record the decision as a resolution of the majority of the Commission and not the individual votes for or against as these are irrelevant once the majority is determined.

After each meeting, draft minutes are sent within three working days to other members for endorsement, and then noted at the Commission's next meeting. Minutes will be made available to the public on the Commission website once agreed by the Commission.

In addition to the standard agendas and minutes above, separate confidential agenda reports and minutes will also be prepared and kept for particular matters, including:

- Cabinet in confidence – matters prepared that will ultimately be considered by Cabinet.
- all other matters such as (but not limited to) legal advice and matters being considered through the courts, staff briefings and compliance/enforcement
- complaints received in relation to assessment panels under the Complaints Handling Procedure endorsed by the Commission,

The confidential agenda and minutes follow the same format and processes as the standard agendas and minutes, where relevant and are not made available publicly.

Meeting minutes are publicly available on the Commission's website.

#### **4.6 Decision Register**

The Commission's decisions, achieved by resolution in its meetings or out of session in accordance with the Commission's procedures, will be recorded on a register of decisions by the Governance Unit, DPTI. The Register will be available to the public noting that confidential matters will be recorded in a manner that will not breach confidentiality.

#### **4.7 Disclosure of interests**

Section 28 and Schedule 1 of the *Act* set out provisions relating to disclosure of financial interests of members of the Commission and other designated entities under the *Act*. In addition, Regulation 8 of the *Planning, Development and Infrastructure (General) Regulations 2017* sets out the requirements for the Primary and Ordinary Returns.

A Primary Return must be provided within 60 days of appointment of a member. An Ordinary Return must be provided on an annual basis by every member within 60 days of 30 June. The DPTI Governance Unit will maintain a record of Returns provided by Commission and Commission Committee members.