



State Planning Commission Members – Code of Conduct

Introduction

The Minister has adopted a code of conduct to be observed by members of the State Planning Commission under Schedule 3 of the *Planning, Development and Infrastructure Act 2016* (the Act).

This Code of Conduct sets out standards of conduct and professionalism that are to be observed by all members of the State Planning Commission and must be read in conjunction with the Act.

All members of the State Planning Commission must carry out, and be seen to carry out, their functions with the highest ethical standards to maintain public confidence in the integrity of the planning and development system. The Code of Conduct is the key tool to ensure that all members of the State Planning Commission act honestly and ethically with a high degree of accountability.

While some members of the State Planning Commission may also be bound by other codes of conduct or professional standards issued by their respective professional associations, they have no legal status under the Act. If there is a conflict between a requirement in this Code of Conduct and any other professional code or standard, this code prevails for the purposes of the Act.

Code of conduct requirements

In acting as a member of the State Planning Commission, a member must comply with the following requirements.

General duties

1. A member of the State Planning Commission must in performing, exercising or discharging a function, power or duty under the Act, act in accordance with the general duties as set out in section 15 of the Act.

Professionalism

2. A member of the State Planning Commission must at all times in a manner which does not bring their profession or the public's perception of the planning and development industry into disrepute.
3. A member of the State Planning Commission must not exert undue influence, intimidate, bully and harass, or pressure any person while performing their duties.
4. A member of the State Planning Commission must not discriminate against any person or organisation in performing their duties.

Public sector code of ethics

5. A member of the State Planning Commission must ensure that, in performing any duties related to their role as a Commission member, they act in accordance with the *Code of Ethics for the South Australian Public Sector*.

Procedures

6. A member of the State Planning Commission must take reasonable steps to ensure compliance with the procedures specified in the Act or prescribed in the *Planning, Development and Infrastructure (General) Regulations 2017* (the Regulations) insofar as they apply in relation to the member or the activities of the Commission.
7. A member of the State Planning Commission must comply with the Commission procedure in relation to public comments and communication with the media.

Honesty and accountability

8. A member of the State Planning Commission must ensure that they comply with the document *Honesty and accountability for members of government boards* issued by the Department of Premier and Cabinet.
9. A member of the State Planning Commission must have an understanding of the requirements of the provisions of the *Public Sector (Honesty and Accountability) Act 1995* that apply in relation to the member.

Regard for honesty

10. A member of the State Planning Commission must act with integrity, good faith and equity.
11. A member of the State Planning Commission must advise the Minister for Planning immediately if the member:
 - a. is the subject of a formal investigation in respect of, or has been found to have breached, any other code of conduct, ethical standards or similar, including in another State or Territory or through a professional body of which they are a member; and/or
 - b. has been found guilty of a breach of any Act that applies in another jurisdiction related to planning, building or a development related matter.

Conflict of interest

12. A member of the State Planning Commission must take all reasonable steps to avoid direct or indirect conflicts of interest, either actual or perceived, between their Commission duties and their personal or business interests.
13. A member of the State Planning Commission who has a direct or indirect personal or pecuniary interest in a matter before the Commission, or due to come before the Commission (other than an indirect interest that exists in common with a substantial class of persons) must:
 - a. as soon as he or she becomes aware of his or her interest, disclose the nature and extent of the interest to the Commission; and
 - b. not take part in any meetings conducted by the Commission on the matter; and
 - c. be absent from the meeting when any deliberations are taking place or decision is being made.
14. A member of the State Planning Commission will be taken to have an interest in a matter for the purposes of item 12 if an associate of the member (within the meaning of the Act) has an interest in the matter.
15. If a member identifies they have a conflict of interest prior to the related Commission meeting, the member must disclose the nature and extent of the interest in writing to the Department.
16. If an interest has been declared by a Commission member, the nature of the interest must be recorded in the minutes of the meeting.

Gifts and benefits

17. A member of the State Planning Commission must not seek or accept a gift or benefit that is intended to, is likely to, or could be perceived as likely to, cause them to act in an unfair or biased manner in the course of the member's duties.

18. A member of the State Planning Commission must take all reasonable steps to ensure that a person related to the member does not receive gifts or benefits that could appear to be an attempt to influence or secure or have the effect of influencing or securing a favour from the member.

A person is related to a member of the State Planning Commission for the purpose of this provision if the person is a spouse, de facto partner, sibling, parent or child of the member.

19. If a member of the State Planning Commission is offered or receives a gift or benefit they must disclose this to the Department as soon as practical.
20. If a member of the State Planning Commission receives a gift or benefit that cannot be reasonably returned or refused, they must surrender the gift or benefit to the Department, to be dealt with in accordance with departmental policy.

Protection and use of information

21. A member of the State Planning Commission must maintain the integrity and security of confidential information in their possession and must not use confidential information gained by virtue of the member's official position for the purpose of securing a private benefit for the member or any other person.
22. A member of the State Planning Commission must not disclose information acquired in the course of their professional work other than if consent of the relevant person has been granted or where there is a legal or professional duty to disclose such information.

Legislative framework

Under section 15 of the Act, all members of the State Planning Commission are subject to a statutory duty as described in the section as follows:

- (1) *It is expected that a person or body that—*
 - (a) *seeks to obtain an authorisation under this Act; or*
 - (b) *performs, exercises or discharges a function, power or duty under this Act; or*
 - (c) *takes the benefit of this Act or is otherwise involved in a process provided by this Act, will—*
 - (d) *act in a cooperative and constructive way; and*
 - (e) *be honest and open in interacting with other entities under this Act; and*
 - (f) *be prepared to find reasonable solutions to issues that affect other interested parties or third parties.*
- (2) *Without limiting subsection (1), a person or body performing, exercising or discharging a function, power or duty under this Act must-*
 - (a) *exercise professional care and diligence; and*
 - (b) *act honestly and in an impartial manner; and*

- (c) be responsible and accountable in its conduct; and*
- (d) comply with any code of conduct, service benchmark or other requirement that applies in relation to the person or body.*
- (3) The Minister may, after taking into account the advice of the Commission, establish and maintain service benchmarks for the purposes of this section.*
- (4) The principles and benchmarks under this section—*
 - (a) do not give rise to substantive rights or liabilities; but*
 - (b) may lead to action being taken on account of a breach of a code of conduct or professional standard that applies in relation to a relevant person or body.*