



New South Wales Government  
Independent Planning Commission

# ETHICAL CONDUCT POLICY

## OUR ROLE AS THE COMMISSION

The Independent Planning Commission of NSW was established by the NSW Government on 1 March 2018 as an independent statutory body exercising its functions independently of management or control except in relation to procedure. The Independent Planning Commission (IPC) is supported by the Office of the Independent Planning Commission (OIPC), which on 1 July 2020 became a separate government agency to the Department of Planning, Industry and Environment. Except where indicated otherwise, a reference to the Commission in this Policy includes a reference to the OIPC.

The Commission plays an important role in strengthening and maintaining transparency and independence in the decision-making processes for major development and land use planning in NSW. The key functions of the Commission include to:

- determine State significant development applications
- conduct public hearings for development applications and other matters
- provide independent advice on any other planning and development matter, when requested by the Minister for Planning or Planning Secretary.

The Commission is an independent consent authority for State significant development applications and provides an additional level of scrutiny where there are:

- more than 50 public objections
- reportable political donations
- objections by the relevant local council(s).

## PURPOSE OF THE ETHICAL CONDUCT POLICY

To enhance public trust in the Commission, support high quality decision-making and service delivery, and promote productive working relationships in the Commission work environment through a culture based on honesty and ethical behaviour.

## ETHICAL FRAMEWORK

All Commissioners and OIPC staff are required, at all times when carrying out their Commission duties, to demonstrate high levels of personal conduct consistent

with the core values specified in Part 2 (Ethical Framework) of the *Government Sector Employment Act 2013*, namely:

- consider people equally without prejudice or favour
- act professionally with honesty, consistency and impartiality
- take responsibility for situations, showing leadership and courage
- place the public interest over personal interest
- appreciate difference and welcoming learning from others
- build relationships based on mutual respect
- uphold the law, institutions of government and democratic principles
- communicate intentions clearly and invite teamwork and collaboration
- provide apolitical and non-partisan advice
- provide services fairly with a focus on customer needs
- be flexible, innovative and reliable in service delivery
- engage with the not-for-profit and business sectors to develop and implement service solutions
- focus on quality while maximising service delivery
- recruit and promote employees on merit
- take responsibility for decisions and actions
- provide transparency to enable public scrutiny
- observe standards for safety

In giving effect to these core values, the following directions, policies and practices must be applied.

### Requirements mandated by the Commission Chair

- [Code of Conduct](#)
- *for Commissioners only:* Commissioners' [Conflict of Interest Policy](#)

### Guides

- [Managing Conflict of Interest Guide](#)

### Requirements mandated by law

- the *Premier's Memorandum M2014-13 - [NSW Lobbyists Code of Conduct](#)* which includes *Obligations of NSW Government officials* with respect to lobbying.
- *for staff only:* the [Mandatory Conduct](#) section of *Public Service Commissioner Direction No 1 of 2015 [Code of Ethics and Conduct for NSW Government Sector Employees](#)*, including the section on *How do I manage conflicts of interest?*

## Guides

- the *Good practice guides* section of the [Code of Ethics and Conduct for NSW Government Sector Employees](#)
- other related information on the Public Service Commission's [Behaving Ethically](#) website.

This framework is supported by other Commission policies and practices.

## ACCEPTANCE BY COMMISSIONERS AND STAFF

All Commissioners and staff members are required to abide by this Ethical Conduct Policy. Commissioners agree to abide by this Ethical Conduct Policy as part of their acceptance of their appointment to the Commission. Staff members sign a declaration that they agree to abide with this Ethical Conduct Policy before commencing their duties.

## UNETHICAL CONDUCT

### Consult

Commissioners and staff are expected to consult with the Chair or Executive Director if they are unsure of what is appropriate conduct under any particular circumstances.

### Report

Commissioners or staff who see another Commission member or staff member acting unethically are expected to report that person's behaviour in the first instance to the Chair or Executive Director or, in the case of staff, their supervisor.

The Commission is subject to the *Independent Commission Against Corruption (ICAC) Act 1988* and the *Ombudsman Act 1974*. Anyone who suspects corrupt conduct, maladministration, or serious, substantial waste of public resources within the Commission is urged to report it to the Independent Commission Against Corruption. The Chair is under duty to report to ICAC on any matters he/she reasonably suspects may concern corrupt conduct.

In addition, reports may be made directly to:

- ICAC:  
*For any suspected corrupt conduct, maladministration, or serious, substantial waste of public resources within the Commission*
- the NSW Ombudsman  
*For any maladministration concerns*
- the NSW Auditor General  
*For serious, substantial waste of public money concerns*

The Protected Disclosures Act 1994 protects public officials who voluntarily report suspected corrupt conduct.

## Investigate

Allegations of unethical conduct will be investigated in timely fashion in accordance with the Complaints Management Policy and, for staff of the OIPC, the Government Sector Employment Act 2013 and the *Government Sector Employment (General) Rules 2014*.

## Consequences

Reports of unethical conduct will be referred to the Risk and Compliance Committee (with appropriate confidentiality safeguards) for advice on means of reducing the risk of recurrence.

## IMPLEMENTATION

Implementation occurs through:

- promotion of ethical conduct as a regular agenda item at Commissioner forums and in OIPC staff meetings
- regular reminders to Commissioners and OIPC staff on their general and specific conduct obligations through the intranet and inhouse communications.

## RESPONSIBILITIES

<b>Chair of the Commission</b>	Be an exemplar for Commissioners and OIPC staff on the application of the Ethical Conduct Policy.  Ensure regular training in Ethical Conduct is held for Commissioners and for OIPC staff.  Ensure that Commissioners and staff have regular opportunity to provide feedback on the operation of the policy.
<b>Risk and Compliance Committee</b>	At least annually, review and advise the Chair on the suitability and currency of the Ethical Conduct Policy and related policies and guides.
<b>All Commissioners &amp; All OIPC staff</b>	Promote the application of the Ethical Policy to colleagues.

## FOR MORE INFORMATION

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Last updated: 6 October 2020  
Date for review: 5 October 2021