



Policy document

Chair Oversight Protocol

This document sets out the oversight protocols for the Commission Chair, consistent with the Planning Minister's Statement of Expectations for the Commission and the *Environmental Planning and Assessment Act 1979*

Objective

To ensure the effectiveness of the Independent Planning Commission (**Commission**) in the exercise of its statutory functions by:

- a) facilitating consistency in processes for decision-making
- b) meeting qualitative and quantitative KPIs
- c) ensuring significant issues are identified early and escalated appropriately.

Roles and responsibilities

Commission Chair

The **Commission Chair** is responsible for allocating the work of the Commission (including by appointing Panels), for meeting the Minister's expectations including the KPIs set by the Minister's Statement of Expectations, ensuring the Minister's expectations are met by Commission Panel members, enforcing the Commission's Code of Conduct and maintaining the reputation of the Commission. The Commission Chair has the right to advise Panel Chairs and Panel members on matters relating to their duties and obligations. As head of agency of the Office of the Independent Planning Commission (OIPC). The Commission Chair directs staff of the OIPC in their support of Panels.

The Commission Chair may seek advice on carrying out their role and responsibilities, including from staff of the OIPC as well as from any Deputy Chairs of the Commission. Deputy Chairs of the Commission are a particularly useful source of advice when the

Commission Chair is also a member of a Panel and would benefit from advice from outside the Panel.

Panel Chair

The **Panel Chair** is responsible for coordinating the work of panel members on a specific case including ensuring that decision making is in accordance with legislative requirements, government policy and Commission KPIs. Panel Chairs are required to consult with the Commission Chair on a regular basis during the course of a matter (at a frequency set by the Commission Chair) or when an issue arises that involves the duties and obligations of any member of the Panel.

Panel members

Panel members are responsible for collective decision-making on individual cases in accordance with legislative requirements, government policy and Commission KPIs. Panel members must also act in accordance with the Code of Conduct and the terms of their appointment to the Commission. All Panel members are responsible for maintaining the reputation of the Commission.

OIPC Staff

Staff are responsible for assisting in the work of the Commission, both as support staff for Panels and as Government sector employees under the leadership of the Commission Chair in his or her capacity as OIPC head of agency.

Process

The key processes that underpin this protocol are:

Office of the Independent Planning Commission

1. Regular reporting from Panel Chairs to the Commission Chair regarding progress of cases at a frequency set by the Commission Chair.
2. OIPC staff who are assigned to support a Panel report to the Commission Chair in his or her capacity as head of agency. The Commission Chair provides direction to OIPC staff regarding their support for Panels.
3. Where the Panel/OIPC identifies an issue:
 - the Panel Chair and/or OIPC Executive Director will escalate the issue to the Commission Chair
 - the Commission Chair will provide advice to the Panel Chair and/or OIPC ED regarding a course of action to address the issue
 - the Commission Chair (or the OIPC ED in respect of OIPC staff) will take management action should there be a conflict with the Minister's expectations, Code of Conduct, or the terms of appointment of a Panel member.
4. The issues referred to in point 3 above include, without limitation:
 - Any issue that could potentially have an impact on the reputation of the Commission or the OIPC
 - Compliance with legal requirements and Ministerial directions
 - The quality of reasoning and how a Panel's

reasons are articulated in Statements of Reasons

- Policy uncertainty, including inconsistent government policy
- Consideration of OIPC advice to Panels
- Consistency with Commission processes and avoidance of process error
- Significant time delays
- Panel availability (including conflicts of interest)
- Engagement with stakeholders
- Media coverage
- Seeking legal advice (through OIPC Legal Director)
- Any other potentially significant risk

Timing

Escalation to the Commission Chair where needed should occur as soon as an issue described in [4] under 'Process' arises or has the potential to arise.

Limitations

The Chair cannot dictate the outcome of a decision of a Panel (except where the Chair has appointed themselves to the Panel).