

State Planning Commission Members – Code of Conduct

Introduction

Under Schedule 3 of the *Planning, Development and Infrastructure Act 2016* (PDI Act) the Minister may adopt a code of conduct to be observed by members of the State Planning Commission established under the PDI 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. This code of conduct must be read in conjunction with the Act.

For the purposes of the PDI Act, a key requirement is that all members of the State Planning Commission must carry out, and be seen to carry out, their functions with the highest ethical standards so as to maintain public confidence in the integrity of the Act.

The code is a 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.

Legislative framework

Under section 15 of the PDI 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.*

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 PDI Act, act in accordance with the general duties as set out in section 15 of the PDI Act.

Public Sector Code of Ethics

2. 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.

Honesty and Accountability

3. A member of the State Planning Commission must ensure that they comply with the document *Honesty and accountability for members of government boards* – March 2011 issued by the Department of Premier and Cabinet. A member of the State Planning Commission must also 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.

Procedures

4. 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 Regulations insofar as they apply in relation to the member or the activities of the Commission.
5. A member of the State Planning Commission must comply with the Commission procedures in relation to public comments and communication with the media.

Regard for honesty

6. A member of the State Planning Commission must act with integrity, good faith and equity and must not discriminate toward any person in performing their duties.

7. A member of the State Planning Commission must advise the Minister 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; or
 - b. has been found guilty of a breach of any Act (including an Act that applies in another jurisdiction) related to planning, building or a development related matter.