



Policy document

Ethical Conduct

This Ethical Conduct Policy establishes guiding principles to promote a culture of honest and ethical behaviour within the Independent Planning Commission.

1. 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 operating separately to the Department of Planning and Environment.

The Independent Planning Commission is supported by the Office of the Independent Planning Commission (OIPC), which on 1 July 2020 became a separate government agency to the then Department of Planning 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:

- at least 50 'unique' public objections
- reportable political donations
- objections by the relevant local council(s).

2. 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.

3. 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
- be fiscally responsible and focus on efficient, effective and prudent use of resources.

In giving effect to these core values, the following directions, policies and practices must be applied (without limiting any other directions, policies and practices which may be required by the Commission Chair or by the NSW Government):

3.1 DIRECTIONS, POLICIES AND PRACTICES ESTABLISHED BY THE COMMISSION CHAIR

Policies and procedures of the Commission, including the:

- Code of Conduct
- Conflict of Interest Policy

3.2 DIRECTIONS, POLICIES AND PRACTICES ESTABLISHED BY THE NSW GOVERNMENT

- the *Premier's Memorandum M2019-02-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 2 of 2022 Code of Ethics and Conduct for NSW Government Sector Employees*

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.

4. ACCEPTANCE BY COMMISSIONERS AND STAFF

All Commissioners and OIPC staff members are required to abide by this Ethical Conduct Policy as part of their acceptance of their appointment.

5. UNETHICAL CONDUCT

5.1 CONSULT

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

5.2 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 OIPC staff, their supervisor.

The Commission is subject to relevant duties established under 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.

The Chair is under a duty to report to ICAC on any matters he/she reasonably suspects may concern corrupt conduct.

Reports should 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 *Public Interest Disclosures Act 1994* protects public officials who voluntarily make a disclosure concerning the matters set out in Part 2 of that Act.

5.3 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*.

5.4 CONSEQUENCES

In addition to any appropriate actions under the *Government Sector Employment Act 2013*, reports of unethical conduct may be referred by the Commission Chair or OIPC Executive Director to the Risk and Compliance Committee (with appropriate confidentiality safeguards) for advice on means of reducing the risk of recurrence.

6. 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.

This includes identification of appropriate risk profiles and compliance with all relevant laws, Ministerial expectations and directions, Commission policies and procedures, and community expectations of timeliness, probity, and transparency.

The Risk and Compliance Committee operates with a constitution and functions as set out in the committee Charter.

7. RESPONSIBILITIES

Role	Responsibility
Chair of the Commission	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.
Risk and Compliance Committee	At least annually, review and advise the Chair on the suitability and currency of the Ethical Conduct Policy and related policies and guides.
All Commissioners & all OIPC staff	Adhere to and promote the application of the Ethical Policy to colleagues.

DOCUMENT GOVERNANCE

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Custodian	Director, Legal
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For more information

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