

Conflict of Interest Guidelines for Planning Staff

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Background

Council's Planning staff work within a system which has the fundamental purpose to ensure outcomes which reflect the interests of the community. Council recognises that planning staff can be subject to strong and conflicting pressures from different sections of the community. It also recognises that it is the responsibility of planning staff to ensure that the community takes precedence over sectional interests.

Ultimately the integrity of planning decisions, and of the planning system as a whole, relies upon the integrity of the planners who serve it. Ensuring that planning decision making is not compromised by direct or indirect conflict of interest is also of great importance.

Objectives

The purpose of these guidelines is to provide advice and support to planning staff to ensure that they practise their profession with the highest ethical and professional standards and earn the confidence and respect of the community which they serve.

Organisational Arrangements

Council's Planning Department has traditionally consisted of one or two planners. Council recognises that having a small planning department can potentially present difficulties when dealing with conflict of interest matters. To provide a more robust organisational structure, and one that is better able to deal with conflict of interest matters, Council will engage a consultant planner when the need arises. Under this arrangement, any planning matters where there is a direct or indirect conflict of interest for Council, or Council staff, can and must be dealt with an external consultant planner.

Conduct Guidelines

Council always requires planning staff to:

- Be aware of and comply with the conflict of interest requirements of the *Local Government Act 1989*.
- Be aware of and comply with Council's Employee Code of Conduct.
- Be aware of and comply with the *Planning Institute of Australia Code of Professional Conduct for Planners*. That:
 - Staff shall not act in circumstances where there is a potential conflict between their own private interest and the public interest;
 - Staff shall disclose to their employer any gifts, commissions or discounts received from or offered by any third parties in connection with their work as planners, and shall not accept any such gifts, commissions or discounts where their receipt may, or may be perceived to, influence their advice or decision making; and
 - Staff employed by or acting for Council on any matter or in relation to any land shall not act for any other person or client in relation to that matter or any part of that land.

Specifically, Council requires that where a direct or indirect conflict of interest situation arises pursuant to sections 77 and 78 of the *Local Government Act 1989*, Council staff must:

- Notify the Chief Executive Officer about that conflict of interest in writing;
- Not act for Council in relation to that matter; and
- At the direction of the Chief Executive Officer, engage a consultant planner to act for Council in relation to that matter.

Human Rights

The policy gives regard to relevant legislation, principles of natural justice and procedural fairness, community values and Council's resource capacity. It is considered that this policy supports the rights identified in the *Charter of Human Rights and Responsibilities Act (2006)*.

Authorised by:



Rachael Gadd
Acting Chief Executive Officer