

TASMANIAN PLANNING COMMISSION



Governance Arrangements

August 2026

Version Control

Version no.	Date	Description	Approved by Commission
1.0	5 March 2019	Original	5 March 2019
1.1	24 February 2021	Revised to reflect updated arrangements and to include reference to the approved Code of Conduct	1 March 2021
2.0	3 August 2026	Revised to strengthen governance arrangements, clarify roles and responsibilities, formalise relationships with key agencies, and update provisions for complaints, RTI, communications, and assessment panels.	3 August 2026

This document is available on the website of the Tasmanian Planning Commission at www.planning.tas.gov.au

1.0 Introduction

The Tasmanian Planning Commission (Commission), as an independent statutory body, is committed to maintaining high standards of governance and accountability in performing its functions and exercising its powers at arm's length from Government and political processes.

The Commission performs independent statutory planning and project assessment, hearing and advisory functions under Tasmania's Resource Management and Planning System (RMPS) and other legislation.

The Commission must perform its functions and exercise its powers in a manner that furthers the Schedule 1 Objectives of the *Land Use Planning and Approvals Act 1993* (LUPA Act).

This document sets out how the Commission discharges its statutory responsibilities with independence, integrity and accountability. It describes:

- the Commission's external governance relationships with Ministers, Parliament and the Department of Justice (the Department);
- internal governance roles and responsibilities of Commissioners, the Chair, the Executive Commissioner, Delegates and staff;
- arrangements for statutory decision-making, delegations and advisory functions, and
- mechanisms that support transparency, integrity and compliance.

1.1 Governance Framework and Documents

The governance framework for the Commission is established in the *Tasmanian Planning Commission Act 1997* (TPC Act) and sets out the Commission's responsibilities and obligations in performing its functions and exercising its powers. This includes those assigned under the RMPS suite of legislation (see Appendix 1).

The Commission functions are at arm's length from Government but as an instrumentality of the Crown, the Commission operates within the established legislative and administrative framework of the State of Tasmania, including the *State Service Act 2000*, *Financial Management and Audit Act 1990*, and *Work Health and Safety Act 2012*, *Judicial Review Act 2000*, *Right to Information Act 2009* and *Archives Act 1983*.

The Minister for Housing and Planning (the Minister) issues the Commission with a Ministerial Statement of Expectation at least every two years. The Statement sets out governance and administrative arrangements between the Minister, the Commission and the Department of Justice (the Department), as the host State Agency. The Statement does not direct how the Commission performs its functions or exercises statutory discretions. The Minister may also issue directions to the Commission only where expressly authorised by legislation.

Key governance documents include:

- the Annual Report for Parliament;
- the annual business plan and quarterly performance reports;
- Commission meeting agendas and minutes;
- Minutes or Advice for the Minister;
- corporate policies, procedures and guidelines issued by the Commission, including the Commission's Code of Conduct, and
- corporate policies, procedures and guidelines issued by the Department.

1.2 Governance Structure

To the extent provided by the TPC Act, external governance of the Commission is the responsibility of the Minister and Parliament. The Department assists in the administration of these responsibilities.

Internal governance is the responsibility of the Commission, Commissioners, the Executive Commissioner and Delegates.

2.0 External Arrangements

2.1 Minister and Parliament

The Commission reports to the Minister on the performance of its statutory functions and related issues. Documents routinely provided to the Minister include:

- an annual business plan;
- quarterly reports on its activities, operations and performance; and
- minutes, briefing notes and correspondence.

The general protocol is for the Executive Commissioner to submit documents directly to the Minister. Occasions may arise when documents are also submitted to the Secretary or Deputy Secretary of the Department for their information.

The Minister is responsible to the Parliament for the administration of the TPC Act. Responsibilities include:

- administering the appointment of Commissioners and forwarding nominations to the Governor;
- providing a Statement of Expectation to the Commission by January in every even numbered year, after consulting with the Commission;
- giving written direction in relation to certain matters;

- considering statutory planning recommendations and advice referred to in the TPC Act when provided by the Commission; and
- the Commission provides an Annual Report to the Minister in October each year to be tabled in Parliament.

The Minister is primarily responsible for administering the *Land Use Planning and Approvals Act 1993*. The Minister also has responsibilities under the *State Policies and Projects Act 1993* and the *Major Infrastructure Development Approvals Act 1999*.

2.2 The Department

While the Commission is an independent statutory body, for administrative purposes, the Department refers to the Commission as an Output for budgetary and reporting purposes.

The Department provides the human, financial, physical, information and other resources to support the Commission to perform its functions. This includes support from the:

- People and Culture team - recruitment and staffing, pay and benefits, employee induction, performance development and management, work, health and safety)
- Finance team - facilities, procurement, delegations, budgeting
- Office for the Chief Information Officer (CIO) - ICT operations, information technology/systems, and
- other general operational resources to the Commission.

These arrangements support the Commission's operations and do not extend to direction or influence over the Commission's statutory decision-making functions.

The Department has appointed the Executive Commissioner as the Department's Output Manager with responsibility for the day-to-day operations of the Commission, in accordance with relevant legislation and the Department's policies, procedures and guidelines.

The Executive Commissioner has a direct line of communication with the relevant Deputy Secretary of the Department and provides quarterly performance and other management reports to the Department for review.

The Department, in consultation with the Executive Commissioner, monitors and reviews/audits the management of staff, finances, information technology/systems and other resources.

2.3 Other Ministers

The Commission performs statutory functions under legislation administered by other Ministers.

The Commission corresponds directly with the Minister for Primary Industries and Water on reviews of draft water management plans or a draft amendment to a water management plan, and with the Minister for Parks on reviews of draft parks and reserve management plans.

The Commission documents its performance on these functions in its Annual Report.

2.4 State Planning Office – Building Tasmania

The State Planning Office (SPO) is responsible for coordinating and delivering the Government's program of planning system reforms to standardise and simplify processes, the Government's program of legislative and policy development, providing advice on these matters, and for providing public information about the planning system in Tasmania.

All communication and engagement between the Commission and the Director of the SPO occurs through the Executive Commissioner, and supports effective operation of the planning system, while preserving the Commission's independence in the exercise of its statutory functions.

The Commission, through the Executive Commissioner, may provide advice to the SPO on a range of land use and development matters, subject to maintaining the Commission's independence as a statutory body. The Commission is responsible for remaining mindful of any actual, potential or perceived conflicts of interest and avoid providing advice on matters that it may subsequently be required to assess independently.

Through the Executive Commissioner, the Commission where appropriate, provides timely expert planning advice on draft legislation and policy initiatives. The Commission also informs the SPO where legal advice is sought on matters relating to the operation of planning legislation, unless doing so would give rise to a conflict of interest.

2.5 Office of Solicitor-General & State Litigation Office

Unless the Commission perceives a potential or actual conflict of interest, it must obtain any necessary legal advice from the Office of the Solicitor-General, as and when required, to clarify and confirm interpretation of legislation, statutory functions and particular legal questions.

The Ministerial Statement of Expectation states the Minister expects the Commission will share advice with the SPO, unless the Commission perceives a potential or actual conflict of interest.

Where appropriate and subject to legal professional privilege, the Commission may inform the SPO where legal advice is sought on matters relating to the operation of legislation, as stated in the Ministerial Statement of Expectation.

In any legal actions taken by or against the Commission, the Commission must be represented by, or in consultation with, the State Litigation Office. The Attorney General instructs the State Litigation Office to act in relation to these reviews.

2.6 Right to Information (RTI)

The Commission publishes an Information Disclosure Statement on its website, in accordance with the *Right to Information Act 2009* (RTI Act), which outlines proactive disclosures and information routinely made available.

The Executive Commissioner is the RTI Officer for the Commission and responds to all RTI requests as required.

Information released under the RTI Act is published on the Commission's website within 48 hours of release to the applicant, unless an exception applies, to support transparency and accountability.

2.7 Integrity Commission

In the event the Integrity Commission raises a relevant matter directly with the Commission, the Commission may inform and consult with the Department as appropriate to the matter raised. The Commission remains responsible and accountable for responding to the Integrity Commission and will do so in a positive and constructive manner.

The Commission may seek procedural advice from the Integrity Commission or legal advice from the Office of the Solicitor-General, as required.

2.8 Ombudsman Office

In the event the Ombudsman Office investigates an administrative complaint about the Commission, the Commission may inform and consult with the Department as appropriate to the matter raised. The Commission remains responsible and accountable for responding to the Ombudsman and as above, will do so in a positive and constructive manner.

The Commission may seek procedural advice from the Ombudsman Office or legal advice from the Office of the Solicitor-General, as required.

3.0 Internal Arrangements

3.1 The Commission

The Commission comprises the Executive Commissioner and Chairperson and seven Commissioners. Section 5 of the TPC Act specifies each Commissioner's particular skills, knowledge and expertise.

The Commission's role is to:

- maintain high standards of governance and compliance with statutory processes and requirements, including risk management and conflict of interest policies;

- delegate statutory assessment and advisory functions and monitor the standard and timeliness of reporting and decision making made under delegation;
- approve the Annual Report;
- prepare statutory planning advice for the Minister; and
- ensure the Commission performs its functions and exercise its powers in a manner that furthers the RMPS objectives.

3.2 Commissioners

Legislative provisions with respect to Commissioners, including terms and conditions of appointment and disclosure of interests, are set out in Schedule 2 of the TPC Act. Newly appointed Commissioners are expected to complete an induction program covering responsibilities, policies and requirements.

Commissioners are to:

- act in good faith in the interests of the Commission as a whole;
- exercise powers for proper purpose;
- perform their functions with integrity, impartiality, honesty, conscientiousness, care, skill, diligence and loyalty to the public interest;
- raise issues or concerns with the functioning or operations of the Commission, the Executive Commissioner or Delegates;
- advise the Executive Commissioner of any issues or concerns with the management and day-to-day operations of the Commission and the performance of staff;
- disclose existing or potential, direct or indirect interests;
- not use the position of Commissioner or the information gained for personal benefit or to the detriment of the Commission;
- keep confidential Commission discussions and deliberations;
- update and enhance their skills and knowledge;
- treat members of planning authorities, the public, representors and Commission staff fairly and consistently, in a non-discriminatory manner with proper regard for their rights and obligations; and
- when representing the Commission, to do so in a manner consistent with decisions and positions agreed by the Commission.

3.3 Commission meetings

The Commission meets on the first Monday of every month, except January. The Commission may also address urgent and important matters out-of-session or by convening special meetings as prescribed in the TPC Act.

Schedule 3 of the TPC Act details provisions with respect to Commission meetings, including:

- four Commissioners constitute a quorum at any duly convened meeting and may transact any business of the Commission;
- questions arising at a meeting are determined by a majority vote of the Commissioners present and voting;
- the Chair is to preside at all Commission meetings and, if unavailable, an acting Chair may be elected from those present; and
- the Chair determines the degree of formality required at each meeting and ensures that all members are heard, decisions and debate are properly understood and formal resolutions are recorded.

The Executive Commissioner approves the Commission meeting agenda, papers and minutes prior to their distribution to Commissioners.

Commissioners may request any relevant matter to be included on a Commission agenda or may raise matters under the Other Business agenda item.

The Executive Commissioner is responsible for:

- maintaining a record of Commission meeting agendas, papers and minutes;
- maintaining a register of personal interests of Commissioners;
- maintaining the Commission's register of delegations;
- maintaining a record of statutory decisions made by the Commission or under delegation from the Commission; and
- ensuring safe custody of the Corporate Seal.

3.4 Chairperson of the Commission

The Chairperson is to:

- preside at Commission meetings;
- provide leadership for the Commission in fulfilling its role;
- ensure Commission meetings are conducted in an inclusive, consultative, constructive and efficient manner;

- ensure Commissioners are briefed on relevant matters arising between meetings, or at meetings at which they were not in attendance;
- advise Commissioners of any matters likely to seriously impact on the Commission;
- communicate with the Minister, Secretary and relevant Deputy Secretary on behalf of the Commission;
- coordinate and oversee communications with State agencies and authorities and planning authorities on behalf of the Commission;
- communicate Commission decisions to staff; and
- promote a constructive relationship between the Commission and staff.

The Chairperson may authorise others to undertake any of the above roles on his or her behalf as appropriate.

The Chairperson also performs the role of a Commissioner.

3.5 Delegates

The Commission may delegate any of its functions or powers (other than the power of delegation) to persons comprising Commissioners (not excluded under the TPC Act), persons external to the Commission, the Executive Commissioner and/or Senior Planning Consultants. Legislative provisions relating to the delegation of statutory functions or powers are specified in section 8 of the TPC Act.

Assessment and review delegations must be undertaken in accordance with the terms of the Instrument of Delegation and having regard to the Delegates Guide.

A person who has been delegated the Commission's powers and functions to carry out a statutory task must do so as if the Commission was carrying out the task. Delegates must comply with the Commission's [Code of Conduct](#) and any conditions imposed by the Instrument of Delegation.

Delegates must operate within the same policy framework as the Commission, with robust, evidence-based decision-making the primary focus.

The work of Delegates is supported by Commission staff.

3.6 Assessment Panels

The Commission may establish development assessment panels or other statutory assessment panels to undertake assessments, hearings or reviews for complex or significant matters, including major projects and projects of State significance (POSS).

Panels are established by appointment of the Commission and operate in accordance with relevant legislation, approved terms of reference, the Instrument of Appointment and the Commission's Code of Conduct.

Panels may comprise one or more Commissioners and, where appropriate, independent members appointed for their specialist expertise. Panel membership is determined by the Commission, having considered expertise, independence and conflict of interest considerations.

Panels are required to conduct their functions independently, impartially and in a procedurally fair manner, and are required to conduct activities with the Commission's adopted policies. Panels are supported by Commission staff.

The Commission retains overall governance accountability for panel processes, including statutory compliance, quality assurance and decision-making outcomes.

3.7 Advisory Committees

Committees (established under section 9 of the TPC Act) to investigate and provide advice for the Commission must act in accordance with the terms of reference issued by the Commission. The terms of reference should generally include:

- the scope of the task;
- any expectations of the Commission in relation to performing the task; and
- any reporting requirements.

Members of Advisory Committees, liaise with and consult with Commission staff as required, to discharge their responsibilities in relation to the purpose of the Committee.

3.8 Governance and Compliance Reporting

The Executive Commissioner is to provide an Annual Report to the Commission for review and approval.

The Executive Commissioner is to provide copies of these reports to the Secretary or relevant Deputy Secretary for consideration by the Minister and the Department.

The Department monitors financial, audit, human resource and information technology matters on behalf of the Commission and provides reports to the Commission via the Executive Commissioner.

In the event the Commission receives a complaint or concern relating to the performance, conduct or decision-making of the Commission, its Commissioners, Delegates, panel members or the Executive Commissioner, the matter will be managed in accordance with the Commission's Code of Conduct and relevant Department procedures.

Where a matter involves the Executive Commissioner, decisions relating to investigation, oversight or reporting is managed by senior Department officers or an independent investigator to ensure impartiality and maintain integrity.

Options for managing a complaint may include internal review, requesting the Secretary to appoint an investigator, appointing an independent investigator, or establishing a committee with appropriate terms of reference.

Any committee may include the Secretary, relevant Deputy Secretary or their nominee. Any report and recommendations are to be submitted to the Commission for decision. The Commission will advise the Secretary and the Minister, as appropriate, of the investigation and the outcome, including any decisions or recommendations.

3.9 Commission Code of Conduct

The Commission's Code of Conduct reflects the Commission's commitment to upholding the highest standards of ethical behaviour and expectations that the Commissioners and delegates will act honestly, professionally, and with accountability in the performance of the Commission's roles and functions.

The Commission Code of Conduct applies to the Executive Commissioner, Commissioners, and any person delegated the roles and functions of the Commission. In addition, where delegates are employed under the *State Service Act 2000*, they are also subject to the State Service Principles and Code of Conduct.

The Code of Conduct sets out a fair, structured process for investigating alleged Code breaches.

3.10 Communications Protocol

The Executive Commissioner is the principal point of contact between Commissioners and staff. However, for specific matters delegated by the Commission, Commissioners as Delegates may liaise directly with assigned staff.

Delegates are to inform the Executive Commissioner of any issues or concerns in relation to the performance or conduct of staff.

The Executive Commissioner is the principal point of contact between the Commission and Ministers. All communication by Commissioners with the Minister is to be via the Executive Commissioner, except where the Commission determines to provide direct advice to a Minister independently of the Executive Commissioner.

Commissioners do not have authority to make representations or agreements with any other party unless under delegation or specifically authorised by the Commission.

Public or media statements may only be authorised and issued by the Executive Commissioner. The Executive Commissioner may refer media enquiries to the Department or Minister and provide background information on statutory assessment processes.

3.11 Information Protocol

The Commission provides information on its statutory functions and particular assessments and reviews on the Commission website. Planning schemes are also accessed on the Commission's website.

The Commission's protocol for access to information is set out in its Information Disclosure Statement under the RTI Act.

3.12 Executive Commissioner

The Executive Commissioner's role is to work with the Business Manager, Senior Planning Consultants and staff to:

- manage the day-to-day business of the Commission;
- manage the human, physical and financial resources assigned to the Commission;
- ensure compliance with workplace, health and safety obligations;
- encourage positive staff engagement, cooperation and teamwork;
- facilitate professional development and performance;
- maintain effective organisational policies, procedures and guidelines; and
- oversight implementation of delegations and appointments.

The Commission, the Secretary or relevant Deputy Secretary and the Department monitor and review the performance of the Executive Commissioner in managing the budget and human resources (as Output Manager) through the business plan and quarterly performance reporting processes. The Commission may also initiate specific performance reviews as required.

3.13 Senior Management Team

The Senior Management Team comprises the Executive Commissioner, Business Manager and three Senior Planning Consultants. The team is responsible for staff management and the oversight of assessment activities. It oversees the day-to-day operations of the Commission, including the management of staff, resources and organisational performance.

The Senior Management Team works with the Executive Commissioner and staff to:

- implement Commission decisions;
- keep under regular review documented processes and procedures e.g. Delegates Manual and process work instructions;
- implement the business plan;

- manage assigned staff, financial and other resources in accordance with Departmental policies, procedures and guidelines;
- ensure compliance with workplace, health and safety obligations;
- encourage positive staff engagement, cooperation and teamwork; and
- facilitate professional development and performance.

3.14 Commission Staff

Staff undertake the day-to-day operations of the Commission in accordance with the Commission's business plan, organisational policies, procedures and guidelines, and any other direction provided.

Staff are State Service officers and are required to comply with the State Service Code of Conduct specified in section 9 of the *State Service Act 2000* and the Department's policies, procedures and guidelines. In addition, staff are expected to act in a manner consistent with the Commission's Code of Conduct when supporting statutory assessment, panel and decision-making processes.

All staff have an agreed ongoing Performance Development Plan, as required by the Department's Ongoing Performance Development Policy and relevant guidelines. Staff and their manager review and update their plans every 6 months.

4.0 Review of document

The Commission will review this document every 12 months to ensure it remains current and relevant.

Appendix 1: Schedule 1 Objectives under the Resource Management and Planning System (RMPS)

Schedule 1 Objectives under the RMPS are:

- to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity;
- to provide for the fair, orderly and sustainable use and development of air, land and water;
- to encourage public involvement in resource management and planning;
- to facilitate economic development in accordance with the objectives set out in the above paragraphs; and
- to promote the sharing of responsibility for resource management and planning between the different spheres of government, the community and industry in the State.

Each of the Acts listed in Appendix 2 includes a schedule containing the Schedule 1 Objectives under the RMPS. There is a general requirement that undertaking the powers and functions of these Acts will promote the objectives.

Supporting the overarching Schedule 1 Objectives are additional objectives, which are specific to the land use planning process. These include:

- to require sound strategic planning and co-ordinated action by State and local government;
- to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land;
- to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land;
- to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels;
- to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals;
- to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation;
- to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
- to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and
- to provide a planning framework which fully considers land capability.

Appendix 2: Legislative Framework

The legislative provisions under which the Commission operates is, as follows:

Legislative Instrument	Commission Functions
<i>Land Use Planning and Approvals Act 1993 (LUPAA)</i>	Primary source of planning functions. Assessing or Reporting: • Tasmanian Planning Policies (TPPs) • Regional Land Use Strategies • State Planning Provisions (SPPs) and amendments to SPPs • projects of regional significance • draft planning directives • major project assessment processes Approving: • planning schemes and planning scheme amendments • Local Provision Schedules (LPSs) and amendments to LPSs Advising: • the Minister in relation to land use planning • local government in relation to planning schemes • the Minister of its opinion on the public interest of amendments to the TPPs and SPPs Planning: • for the coordinated provision of transport, and infrastructure, for land development
<i>National Parks and Reserves Management Act 2002</i>	Reviewing representations, and the report of the Director of National Parks and Wildlife, relating to draft reserve management plans.
<i>Public Land (Administration and Forests) Act 1991</i>	Inquiring into public land use.
<i>State Policies and Projects Act 1993</i>	Strategic policy and major project role.

Legislative Instrument	Commission Functions
	Assessing: • projects of State significance • draft State Policies and amendments to State Policies Preparing: • the Tasmanian State of the Environment report
<i>Tasmanian Planning Commission Act 1997</i>	Establishes the constitution, functions and powers of the Commission and Commissioners. Creates the Commission as a statutory body, defines its structure, powers, and procedures (e.g. hearings, evidence gathering). Provides the core administrative and procedural framework for how the Commission operates.
<i>Water Management Act 1999</i>	Reviewing representations, and the report of the Secretary of the Department of Natural Resources and Environment Tasmania (NRE Tas), relating to draft water management plans.
<i>Wellington Park Act 1993</i>	Reviewing representations, and the report of the Wellington Park Management Trust, relating to draft management plans.

The Commission also has designated functions under the following Acts:

- *Aboriginal Lands Act 1995*
- *Conveyancing and Law of Property Act 1884*
- *Environmental Management and Pollution Control Act 1994*
- *Local Government (Building and Miscellaneous Provisions) Act 1993*
- *Major Infrastructure Development Approvals Act 1999*
- *Marine Farming Planning Act 1995*
- *Survey Co-ordination Act 1944*
- *Threatened Species Protection Act 1995*