

TASMANIAN PLANNING COMMISSION



Commission Policy:

Commissioner and delegate submissions to,
and appearances before, the Commission

Version	Issue Date	Description	Endorsed by
1.0	7 October 2019	First issue	Commission
1.1	22 February 2021	Minor editorial to update to latest Code of Conduct	Executive Commissioner

Principles

The Commission and its delegates are to uphold a high degree of integrity in the Commission's decision-making processes.

While the *Tasmanian Planning Commission Act 1997* (the TPC Act) gives some latitude on the Commission procedures, the principles of natural justice must be followed at all times and Commissioners and delegates must not have any conflict of interest and must bring an open and unprejudiced mind to all matters.

The rules of natural justice establish the right to procedural fairness. To achieve this, it requires that parties to an assessment or review:

- have an opportunity to be heard; and
- have an adequate opportunity to comment on all the material or information on which Commissioners or delegates may base their conclusions.

Obligations

- (1) A Commissioner or delegate of the Commission must not appear, either as a witness or the representative of an interested party, in a hearing before the Commission, except to provide evidence or make a submission in relation to a matter concerning their personal property.
- (2) If a Commissioner or delegate intends to provide evidence or make a submission in relation to a matter concerning their personal property, the Executive Commissioner must be advised at the earliest time, and the Executive Commissioner will arrange for an independent delegate or delegates (not being a Commission or TPC staff member) to conduct the hearing.
- (3) A Commissioner or delegate must not represent or advocate for or on behalf of a client or any interested party:
 - (a) following the lodgement of any relevant application with a planning authority on any matter that may proceed to a hearing before the Commission; or
 - (b) on any matter that may proceed directly to the Commission for a decision.
- (4) Where a Commissioner or delegate has represented or acted as an advocate for or on behalf of a client or interested party, prior to the lodgement of the relevant application with a planning authority, the Commissioner or delegate must advise the Executive Commissioner in writing to that effect including the name and nature of the matter, within 7 days of the matter being lodged with the planning authority.

- (5) If the matter referred to in matter (4) becomes a proceeding before the Commission;
 - (a) a delegate, if a member of staff of the TPC, must not have any involvement in consideration of the matter at any stage of assessment or decision making by the Commission; and
 - (b) a Commissioner, must not have any involvement in consideration of the matter, must disclose the previous interest at any meeting of the Commission, and not be present at any Commission deliberations or decision making on the matter.

Applying this Policy

This policy applies to all Commissioners and delegates.

Reviewing this Policy

The Commission will review this policy biannually to assess the effectiveness of the policy.

The first review will be conducted in June 2021.

Communicating this Policy

This policy will be published on the Commission's website and intranet.

New Commissioners will be provided with a copy as part of their induction.

Relevant Legislation and Guidance Documents

Tasmanian Planning Commission Act 1997

Tasmanian Planning Commission, *Code of Conduct*, January 2021