

TASMANIAN PLANNING COMMISSION



Commission Personnel Participating in Commission Processes Policy

August 2026

Version	Issue Date	Description	Endorsed by
1.0	3 August 2026	First issue	Commission

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

Purpose

The purpose of this Policy is to establish the practice and procedures to be followed when Commissioners, Delegates and Staff of the Commission participate in statutory processes for which the Commission is responsible.

Principles

The Commission and its Commissioners, Delegates and Staff (Commission Personnel) are to uphold a high degree of integrity, impartiality and transparency in the Commission's advisory, assessment, and decision-making processes.

Under the [State Service Code of Conduct](#)¹ and the [Commission's Code of Conduct \(PDF\)](#)², Commission Personnel are not to use their position improperly to gain a direct or indirect personal advantage for themselves or any other person or entity, not enjoyed by the general public. This includes any information obtained in the course of their official duties used to gain a direct or indirect personal advantage for themselves for any other person or entity, not enjoyed by the general public.

At all times Commission Personnel must observe the rules of natural justice. Commission Personnel must not have any conflict of interest in relation to the discharge of their responsibilities and must bring an open, unbiased and unprejudiced mind to all matters before the Commission.

Glossary

'Commission Personnel' means Commissioners, Delegates and Staff and includes Commissioners, Delegates and Staff acting on behalf of immediate family or an incorporated body.

'immediate family' includes personal partners, parents, children, siblings and depending on the situation may include siblings, in-laws, step-relations, adopted family members'.

'incorporated body' includes any association or company in which Commission Personnel have a significant interest.

'independent delegate' means a person who is not a member of Commission Personnel.

Note

If the Executive Commissioner is the person participating in the Commission processes, reference in this Policy to the Executive Commissioner taking particular action, should be read as reference to the Deputy of the Executive Commissioner taking that action.

¹ <https://www.dpac.tas.gov.au/working-in-the-state-service/about-the-tasmanian-state-service/accordions/accordion-about-the-state-service/state-service-code-of-conduct>

² https://www.planning.tas.gov.au/data/assets/pdf_file/0016/601162/Commission-Code-of-Conduct-Policy.pdf

Obligations of Commission Personnel

These obligations are designed to reinforce and safeguard the integrity of the Commission's processes, promote transparency for all parties, and prevent any perception that a personal submission by Commission Personnel in a matter before the Commission carries institutional authority or undue influence or is benefiting from any advantage gained due to internally sourced knowledge of or access to relevant information.

Participation in Commission Processes on Behalf of Another Person

Commission Personnel must not prepare, or make a submission or representation, or seek an amendment to a Local Provisions Schedule (LPS) or participate in a Commission hearing (either as a witness or advocate), on behalf any person, other than for themselves or members of their immediate family or an incorporated body in which they have an interest, as outlined in this Policy.

Representation or Submission to a draft LPS Amendment

Commission Personnel Obligations

- Advise the Executive Commissioner of intention to make a representation or submission and reasons why
- No participation in Commission assessment process
- Advise the Executive Commissioner if the representation or submission is made on behalf of immediate family member or incorporated body and the nature of that relationship
- Disclose nature of the association with Commission in the written representation or submission, including a statement that they have had no access to internal briefings or information associated with the matter from within the Commission
- Advise the Executive Commissioner whether there is an intention to participate in any hearing, and
- If participating in any hearing, provide an oral disclosure of Commission association.

Executive Commissioner Obligations

- Review the representation or submission to identify nature of content and assess and establish:
 - the immediate family member or incorporated body association
 - the significance of the representation or submission in the context of the assessment of the amendment

- the purpose and reasonableness of the representation or submission in context of the assessment
- comment of the planning authority on the merit of the representation
- the likelihood of a perception of improper advantage and potential for assertion/allegation of inside knowledge influencing the representation or submission
- the potential for assertion that the representation or submission could reflect on the independence of the Commission, and
- the role and responsibilities of Commission Personnel in the Commission.
- Advise the Commission on the above matters in the Delegation Report, and
- Recommend to the Commission the composition of a delegated Panel, including the need and basis for the Panel to be comprised of wholly or partly of independent delegates.

Commission Obligations

- If the representation or submission is made by a Commissioner, that Commissioner must not participate in the Commission's consideration or determination of the relevant agenda item, and this is recorded in the minutes of the meeting
- No Commissioner membership of the Delegated Panel
- Assess and consider the Executive Commissioner advice on the need for independent membership of the Delegated Panel, and
- Assess and consider Executive Commissioner advice on composition of the delegated Panel to determine whether there are any conflicts of interest or reasonable apprehension of bias, and whether the matter has been managed appropriately in the circumstances.

Delegated Panel Obligation

- At the commencement of the hearing:
 - disclose existence of representation or submission if no participation by Commission Personnel in the hearing
 - if participation in hearing by Commission Personnel, disclose existence of representation or submission, advise the Panel's initial judgement on potential conflict of interest or reasonable apprehension of bias and why, invite submissions on the matter, and determine any submissions and proceed accordingly.
- Require disclosure of association and how resolved and publish on the relevant assessment page on the Commission website.

Request for an Amendment to an LPS

Commission Personnel Obligations

- Advise the Executive Commissioner of intention to seek an amendment to an LPS
- No participation in Commission assessment process
- Advise the Executive Commissioner if the request is made on behalf of immediate family member or incorporated body and the nature of that relationship
- Advise the Executive Commissioner that they have had no access to internal briefings or information associated with the matter from within the Commission
- Advise the planning authority on lodgement of requested amendment of the nature of their association with the Commission
- Advise the Executive Commissioner of whether there is an intention to participate in any hearing, and
- If participating in any hearing, provide an oral disclosure of Commission association.

Executive Commissioner Obligations

- Assess the nature of content of the amendment request:
 - appoint a senior planning consultant or a senior planning adviser to manage the assessment process
 - establish the nature and relationship if the requested amendment is on behalf of an immediate family member or incorporated body or association
 - establish the significance of the requested amendment in the context of the existing LPS
 - review the comment of the planning authority assessment of the requested amendment
 - assess the likelihood of a perception of improper advantage and potential for assertion/allegation of inside knowledge influencing the requested amendment, and
 - assess the potential for assertion that the requested amendment could reflect on the independence of the Commission.
- Advise the Commission on the above matters in the Delegation Report
- Recommend to the Commission the composition of a delegated Panel, including the need and basis for the Panel to be comprised of wholly or partly of independent delegates, and

- If the requested amendment is made by a Commissioner, recommend the delegation to a delegated Panel comprising wholly of independent delegates.

Commission Obligations

- If the representation or submission is made by a Commissioner, that Commissioner must not participate in the Commission's consideration or determination of the relevant agenda item, and this is recorded in the minutes of the meeting; and
- Assess and consider the Executive Commissioner advice on the composition of the independent delegated Panel.

Delegated Panel Obligation

- At the commencement of the hearing:
 - disclose existence of Commission Personnel as person seeking the amendment
 - disclose that the Commission has appointed an independent delegated Panel to determine the amendment
 - advise the delegated Panel's initial judgement on potential conflict of interest or reasonable apprehension of bias and why, invite submissions on the matter, and determine any submissions and proceed accordingly.
- Provide the resolution of the potential conflict of interest/apprehension of bias advice and publish on the relevant assessment page on the Commission website.