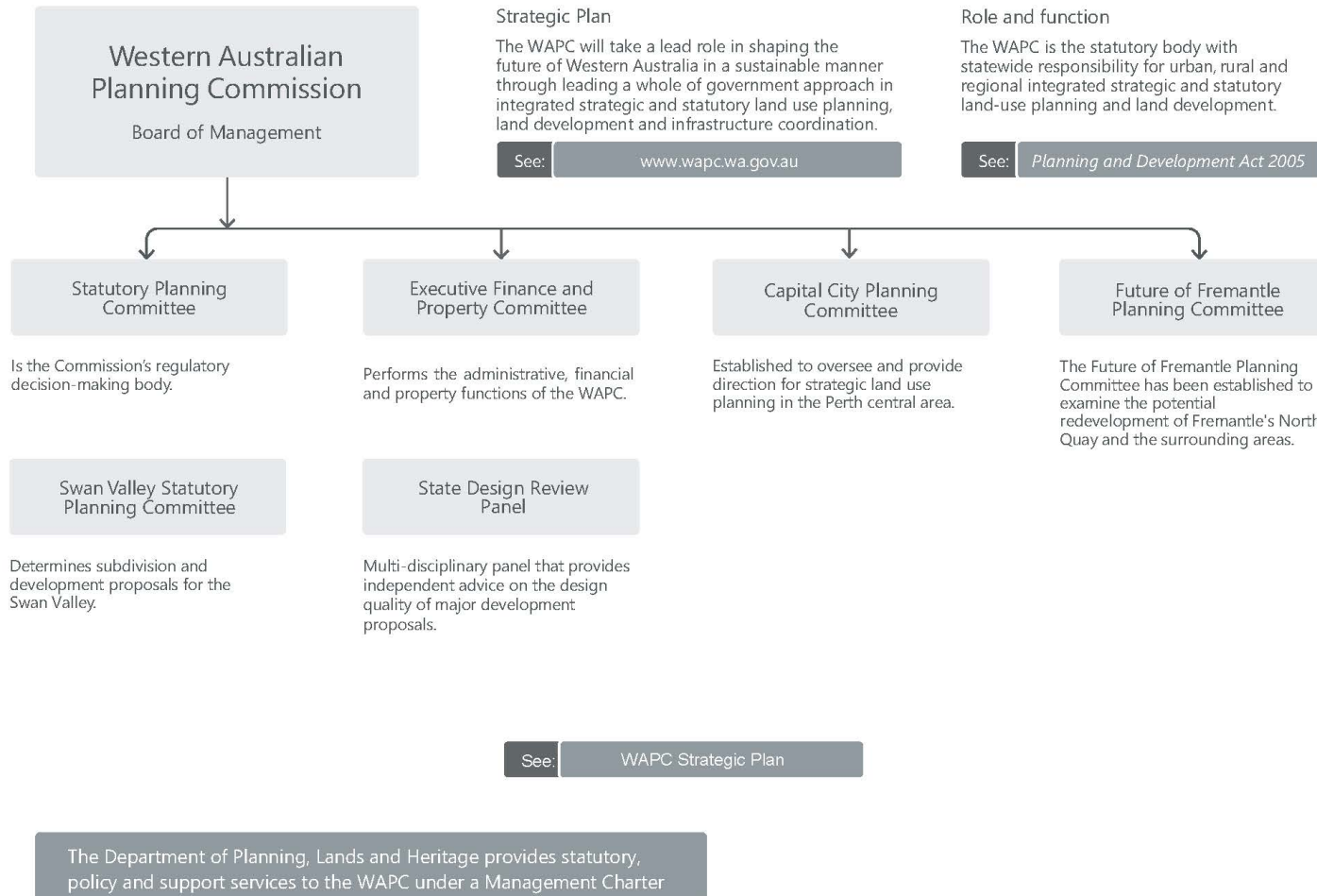




Governance Guide

Last amended:	29 August 2022
Version	3
Reference:	A9141342

Organisational chart of the Western Australian Planning Commission



Executive Summary

The Western Australian Planning Commission (WAPC) Governance Guide

The WAPC Governance Guide is a tool to aid Board and Committee members to understand their role and responsibilities, obligations and scope as public sector board members so that they may contribute effectively to the WAPC.

In seeking to consolidate key governance documents, this WAPC Governance Guide incorporates the following:

1. Board Charter;
2. Meeting Procedures;
3. Code of Conduct;
4. Policies; and
5. Important References.

The WAPC Governance Guide will be reviewed as required to ensure it remains relevant against current legislation and policy.

The Western Australian Planning Commission (WAPC)

The WAPC is constituted under the [Planning and Development Act 2005](#) and has statewide responsibility for urban, rural and regional integrated strategic and statutory land-use planning and land development.

It responds to the strategic direction of State Government and is responsible for:

- Advising the Minister on:
 - Land use planning, transport planning and land development
 - The administration, revision and reform of related legislation
 - Strategic planning for the metropolitan region and parts of the state to which region planning schemes apply
 - Local planning schemes and amendments.
- Preparing and maintaining:
 - A state planning strategy
 - Planning policies
 - State Planning Policies (for approval by the Minister).
- Planning for the coordinated provision of transport and infrastructure for land development.
- Undertaking research, develop methods and models and providing advice and assistance on planning matters, particularly to local government.
- Preparing (for approval by the Minister), maintaining and administering:
 - Region schemes
 - Improvement plans
 - Improvement schemes
- Acquiring, developing, maintaining and/or managing land associate with region schemes, improvement schemes and the Swan Valley Planning Scheme.
- Other things necessary for and / or required or authorised by the Act and associated schemes and legislation, including:
 - Approving subdivision of land
- Determining certain classes of development application including development on land subject to region schemes where not delegated to a local authority

In June 2020, amendments were made to the [Planning and Development Act 2005](#) to assist with the State's economic recovery from the COVID-19 pandemic by creating an alternative approval pathway for development of state or regional significance to be determined by the WAPC.

The WAPC is a statutory authority and operates with the support of the Department of Planning, Lands and Heritage which provides professional and technical expertise, administrative services and corporate resources to assist it delivering its functions.

The Committees of the WAPC currently operating are:

Statutory Planning Committee (SPC)

The SPC performs a wide variety of the WAPC's regulatory and statutory planning and approval functions. Its responsibilities include the approval of the subdivision of land, approval of leases and licenses, approval of strata schemes, advice to the Minister on local planning schemes and scheme amendments, and the determination of certain development applications under the Metropolitan Region Scheme. The SPC meets fortnightly.

Executive, Finance and Property Committee (EF&P)

The EF&P perform the administrative, financial and property functions of the WAPC as well as any other functions delegated to it by the WAPC. Its responsibilities include the preparation, adoption and management of budgets, the management of finances and assets, the approval of development projects, the acquisition and disposal of property and monitoring performance. The EF&P meets monthly.

Swan Valley Statutory Planning Committee (SVSPC)

The SVSPC administers the Swan Valley Planning Scheme No. 1 with delegated decision-making responsibility for development applications, subdivision and structure plans and other functions related to the Swan Valley area. The SVSPC meets as required.

Capital City Planning Committee (CCPC)

The CCPC was established to oversee and provide direction for strategic land use planning in the Perth central area and meets as required.

Future of Fremantle Planning Committee (FFPC)

The Future of Fremantle Planning Committee was established to examine the potential redevelopment of Fremantle's North Quay (the current location of the State's main cargo/container terminal) and the surrounding areas; and as well as continuing to develop a new vision for the Victoria Quay Waterfront Precinct.

State Design Review Panel (SDRP)

The SDRP is a multi-disciplinary panel of highly-experienced built environment professionals from industry and government that provides independent advice to government agencies, decision-makers and proponents, including the WAPC on the design quality of major development proposals.

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CHAPTER 1 – WAPC BOARD CHARTER

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1. Introduction

1.1 Document Purpose

The Western Australian Planning Commission (WAPC) Board Charter documents the role, composition and processes relating to the key governance activities of the Board. The Board Charter outlines:

- The respective roles, responsibilities and authorities of the Minister, the Chairperson, Members of the Board Committees and of the Chief Executive Officer of the Department of Planning, Lands and Heritage.
- The size, structure and composition of the Board and Committees, including the skills, knowledge, expertise and position required of Members; independence and tenure; and expectations of performance.
- The functional process for governance activities including Board and Committee meetings.
- Provisions for Board effectiveness including the conduct required of Members, disclosures, remuneration and advice.

1.2 Definitions

▪ Act	<i>The Planning and Development Act 2005 (the Act).</i>
▪ Board	The Board of management of the WAPC, established under the Act.
▪ Board member	A Member of the Board.
▪ CEO	The Chief Executive Officer of the department principally assisting in the administration of the Act: the Director General of the Department of Planning, Lands and Heritage.
▪ Chairperson	The position of Chairperson of a WAPC Board or Committee is the highest office holder of the Board or Committee.
▪ Charter	The WAPC Board Charter: a written policy document that clearly defines the roles, responsibilities, composition and authorities of the Board, and processes relating to the key governance activities.
▪ Committee	A Committee of the WAPC established under the Act.
▪ Committee member	A member of a WAPC Committee.
▪ DG	Director General of the Department of Planning, Lands and Heritage
▪ DPLH	Department of Planning, Lands and Heritage
▪ Gazette	Western Australian Government Gazette.
▪ Member/s	Board or Committee members of the WAPC.
▪ Minister	The Minister responsible for administering the Act.

▪ PSC	Public Sector Commission.
▪ Secretary	The Secretary of the WAPC appointed under the Act.
▪ WAPC	The Western Australian Planning Commission, established under the Act.

1.3 Governing Legislation, Functions and Powers

The WAPC is established under [Section 7](#) of the Act. The WAPC is an agent of the State and has the status, immunities and privileges of the State.

The WAPC is the statutory authority with state-wide responsibilities for urban, rural and regional land use planning and land development matters. The WAPC is a corporate entity, accountable to the responsible Minister, with its management by way of a Board.

- The WAPC's functions are defined in Section 14 of the Act.
- The WAPC's powers are specified in Section 15 of the Act.
- The functions of the WAPC can be delegated under Section 16 of the Act.
- The WAPC has temporary decision-making authority to determine development applications under Part 17 of the Act - Special provisions for COVID-19 pandemic relating to development applications.

1.4 Policies and Procedures

A key role for the Board is to ensure that the WAPC is operating efficiently and effectively to fulfil its statutory role. The Board is responsible for establishing and monitoring controls that ensure the WAPC is compliant with legislation, government policy and proper administrative procedures for the expenditure of public funds and stewardship of public resources. It therefore has a duty to approve policy that will bind and obligate the WAPC.

The Public Sector Commission's Publication: [Governance Manual for Western Australian Government Boards and Committees](#) served as a key guiding document in writing this Board Charter.

2. Defining governance roles

2.1 Board composition

The WAPC's membership is defined in detail in [Section 10](#) of the Act.

2.1.1 Associate Membership

The WAPC's associate membership is defined in detail in [Section 11](#) of the Act. The Board has a provision for Associate members for regions, appointed by the Governor on the nomination of the Minister upon the recommendation of the Regional Minister. When a regional matter is to be considered at a meeting of the Board, the Associate member for that region may attend the meeting for that item.

2.1.2 Terms of Office

The WAPC's terms of office are defined in [Schedule 1, Section 2](#) of the Act. A Board or Committee member or Associate member is appointed on a part time basis for a term not exceeding five years and is eligible for reappointment.

The term of office of a Member appointed to a Board or Committee to represent the interest of Local Government, who at the time of appointment holds office on the Council on a Local Government is defined in Schedule 2, Section 3 of the Act.

2.1.3 Vacancies

The WAPC's provisions for vacancies on the Board and for removal from office are defined in [Schedule 1, Section 4](#) of the Act. The office of a Board or Committee member becomes vacant if the Member resigns by written notice to the Minister; is insolvent; ceases to hold office on the council of Local Government; fails to attend three consecutive meetings without leave approval from the Minister; or is removed from office by the Governor.

2.1.4 Appointments

In accordance with the Act, Ministerial approval is required for all appointments to the Board and on statutory Committees. Furthermore, convention requires Cabinet consideration of all proposals for appointment. Members of the Board are appointed by the Governor on the Minister's nomination, and this is by way of submission to Executive Council.

2.2 Roles and Relationships

Members must acquire an understanding of the roles, responsibilities and reporting arrangement between stakeholders which include:

- the Minister responsible for the portfolio in which the Board operates;
- Chairperson;
- Board and Committee members;
- the CEO of each public sector body affected by the WAPC's operations;
- the Secretary;
- the role of the PSC, where relevant, as the employing authority of the CEO.

2.2.1 Responsible Minister

The responsible Minister is accountable to the Parliament of Western Australia for the operation of the public sector bodies and boards within their portfolio(s). The responsible Minister for the WAPC is the Minister for Planning. Some of the Minister's planning and governance responsibilities are to:

- shape enabling legislation;
- approve the WAPC annual budget and strategic plan;
- review operations and performance with the Chairperson;
- accept the annual report;
- make recommendations to the Governor (via Cabinet) with respect to the appointment of Board members; and
- approve the appointment of Members to Committees established under schedule 2, clauses 3 to 9 of the Act.

The Minister may also provide direction to the WAPC and is entitled to have any information in the possession of the WAPC. These powers are detailed in [Section 17 and 18 of the Act](#).

The Minister also has a decision role in many of the WAPC's functions including establishing State Planning Policies and approving key strategic plans, improvement plans and region and local planning schemes.

2.2.2 Chairperson

The Chairperson is appointed by the Governor on the nomination of the Minister in accordance with [Section 10\(1\)\(a\)](#) of the Act. The Chairperson is required to lead the WAPC, ensure the Board and Committees operate effectively, maintain a strategic focus, monitor overall performance and manage its principal relationships. The Chairperson must ensure Board and Committee members, the Minister, stakeholders and the community have confidence in their leadership and operation of the WAPC. The role includes:

1. providing leadership and support for Members, developing their skills as public officials, and building group cohesion and effectiveness;
2. liaising with the CEO and the Minister, and facilitating the flow of information between the Minister, the Board, and the Department of Planning, Lands and Heritage, on behalf of the WAPC;
3. building effective Board and Committees with the high-quality skills, knowledge and experience;
4. establishing and maintaining an effective Board Charter;
5. ensuring relevant information and policies are brought to the attention of Members to support the Board's performance, objectives and governance framework;
6. leading Board and Committee meetings efficiently, encouraging Members rather than directing them and seeking consensus when making decisions;
7. mapping out broad timelines for WAPC business and shaping agendas to reflect goals, strategy and budgets;
8. leading by example in modelling behaviours desired of Members, including professionalism, punctuality, respectful communications, integrity and confidentiality;
9. motivating Members and, where appropriate, addressing underperformance; and
10. managing risk and reporting concerns to the responsible Minister.

The Chairperson must develop strong working relationships with ministerial officers and members of senior management across the Public Sector.

2.2.3 Board Secretary

The Secretary of the WAPC is appointed in accordance with [Section 21](#) of the Act. The Secretary executes documents on behalf of the WAPC and manages all probity responsibilities. The Secretary works closely with the Chairperson regarding the business of the Board and its Committees and matters of probity, statutory compliance and good practice of the WAPC. The Secretary is usually an employee of the public sector body that provides direct support to the WAPC. The Secretary should have a detailed knowledge of the enabling legislation of the public sector body, the [Public Service Management Act 1994](#), the [Financial Management Act 2006](#) and other legislation and government policies that affect the public sector body and the WAPC.

Under the direction of the Chairperson, the Secretary's duties may also include:

1. coordinating the provision of administrative support, such as preparing meeting agendas, taking meeting minutes, circulating papers, tracking actions arising from meetings and liaising between the WAPC and the CEO;
2. facilitating the induction of newly appointed Board and Committee members;
3. coordinating the professional development for Members;

4. ensuring effective information flows within the Board, between the Board and its Committees, and between the Board and the public sector body's management;
5. advising Members on corporate governance principles and plans, and the implementation of corporate governance programs, such as risk management and performance assessment; and
6. carrying out the instructions of the Board and Committees, assisting in implementing corporate strategies and giving practical effect to decisions of the Board and Committees.

2.2.4 Chief Executive Officer

The Public Sector Commissioner is the employing authority of all department and Senior Executive Service (SES) organisation CEOs who are appointed under [Section 45](#) of the [Public Sector Management Act 1994](#). Broadly CEOs are responsible for the efficient and effective day-to-day management of the public sector body, which includes:

1. providing leadership and strategic direction;
2. providing advice to government and delivering government desired outcomes;
3. establishing and maintaining productive relationships with stakeholders;
4. planning, undertaking and monitoring the body's financial administration;
5. ensuring the appropriate structure and use of resources within the body;
6. ensuring proper records are maintained;
7. managing and directing employees, including their recruitment and remuneration; and
8. ensuring employees have equal opportunities, as well as access to appropriate training and development and grievance processes and have a safe workplace.

The functions of CEOs are further outlined in section 29 of the [Public Sector Management Act 1994](#) and the [Financial Management Act 2006](#).

The CEO in the context of the WAPC is the Director General (DG) for the Department of Planning, Lands and Heritage (DPLH). The DG is the primary link between the Board and the DPLH and manages the DPLH's day-to-day operations. The DG is an ex officio Member of the Board of the WAPC in accordance with section 10(1)(c)(i) of the Act.

The Department provides the WAPC with a range of administrative, financial and technical services, implements the decisions of the Board and Committees and performs many of the WAPC's day to day functions, under delegated authority. The DG is responsible for effective and efficient delivery of the services provided to the WAPC as determined by the Service Charter between the WAPC and the DPLH. The Board and the Chairperson should seek to maintain a strong and positive relationship with the DG and develop mutual trust and respect, to identify and examine the most significant issues facing the Department and influencing its future.

2.2.5 Board and Committee members

Public sector Board and Committee members acting in a fiduciary capacity have an obligation to:

- act honestly and to exercise powers for their proper purposes;

- manage conflicts of interest;
- act in good faith; and
- exercise diligence, care and skill.

All Members of the WAPC must understand the purpose, function and responsibilities of the Board or Committee to which they are appointed. They have a duty to exercise care and diligence to ensure that the WAPC is meeting its financial, legal, contractual and reporting obligations and operating as economically, efficiently and effectively as possible. Importantly, Members should understand that the WAPC's strategic role of direction, oversight and advice to the responsible Minister, is distinct from the role of the CEO (DG), who is responsible for managing the day-to-day operations of the public sector body.

Being part of a government Board or Committee is an opportunity to make a difference and contribute to the State.

Members of government boards and committees operate in the public sector environment in terms of its frameworks for accountability, governance, management, policy development and service delivery.

All Board and Committee members are expected to:

1. make a full contribution to the Board and Committees and to operate as part of an effective group;
2. be familiar with the WAPC Governance Guide and their legal and statutory obligations; and
3. comply with the WAPC's Meeting Procedures (Chapter 2) and Code of Conduct (Chapter 3) and lead by example in their dealings with stakeholders.

Members are encouraged to adopt a long-term strategic perspective to better enable them to anticipate and respond to changes in the external environment. Members must take reasonable steps to ensure they are informed about the business of the Board and Committees to enable them to make informed decisions. Members are collectively responsible for their relevant Board or Committee decisions, but they also have an individual responsibility to ensure that the Board or Committee is undertaking its responsibilities and to work constructively, cooperatively and respectfully with other Board members as well as senior management.

Members are responsible for familiarising themselves with the requirements of the role including the specific requirements of the Board or Committee and its stakeholders.

Members have an obligation to act in the best interest of the WAPC. This obligation manifests from several sources:

1. [Public Sector Management Act 1994](#);
2. [Statutory Corporation \(Liability of Directors\) Act 1996](#);
3. [Public Interests Disclosure Act 2003](#);
4. [Integrity \(Lobbyists\) Act 2016](#);
5. [Financial Management Act \(2006\)](#); and
6. General law obligations.

Members may be appointed as independent experts or representatives of another public sector body. However, it is essential that Members understand that by law

each Member is obliged to act only in the interest of the Board or Committee to which they have been appointed. A Member's primary obligation is to support the agreed strategic direction of the WAPC once agreed. There is room for advocacy and contested viewpoints within the Boardroom when establishing strategic policy and direction, but once set, it is not appropriate for a Member to publicly petition against or act contrary to that position. Members who continue to have concerns should seek to resolve these through the Chairperson in the first instance and if unsuccessful, with the assistance of the Public Sector Commission.

2.2.6 Board and Committee member skills, knowledge and experience

The WAPC operates most effectively when its Members have a range of skills, knowledge and experience. The WAPC is committed to principles of good governance by regularly evaluating the mix of skills, knowledge and experience required to best complement Board and Committee effectiveness. The WAPC must ensure it has the competence to deal with the current, emerging and long-range issues of strategic land use planning.

For effective decision making, the WAPC requires some specific skills, knowledge and experience. This requirement contrasts between Members, depending on the means of their appointment. In addition to these specific virtues, there are skills, qualities and experiences that all Members should possess. These include:

1. an understanding of the public sector environment;
2. honesty, integrity and ethical behaviour;
3. ability to think strategically;
4. sound judgement;
5. act lawfully;
6. be open and accountable to the public
7. treat others with respect and fairness
8. commitment; and
9. communication skills.

2.2.7 Skills Matrix

The WAPC has devised a skills matrix that identified the skills, knowledge and experience the Board and Committee members should hold collectively. These are as follows:

Skills	Strategic thinking Planning and leadership Risk management and audit Reading and understanding financial statements Legal, financial and other professional skills Marketing and communication Industry-specific skills and knowledge Stakeholder management
Qualities	Integrity and standing in the community Demonstrated honesty Tolerance of different views

	<p>A track record of acting in good faith and in the best interests of an organisation</p> <p>Ability to listen, analyse, think clearly and work well with others</p> <p>Willingness to attend meetings, ask questions and take responsibility</p>
Experience	<p>Working on a Board</p> <p>Networking and dealing with stakeholders</p> <p>Working in a regional, rural or remote context</p> <p>Performing at high levels in relevant fields of expertise</p> <p>Previous experience as a Chairperson (if the person is to be the Chairperson)</p>

2.3 Committees

The WAPC operates through various Committees, through the delegation of aspects of its work. This allows the Board to efficiently distribute its workload and ensure that matters are considered thoroughly by Committee members with specific skills and expertise. The Board, not the Committee, is accountable for all decisions, even if a Committee has the power of delegated authority from the WAPC. The Board must continually monitor the activities of each Committee as part of its duty of care, diligence and good faith. The primary function of a WAPC Committee is to bring objective scrutiny to planning decisions.

The WAPC's Committees comprise of Statutory Committees (Committees required to be established under the Act); Regional Planning Committees (Committees that perform the functions within a particular region as defined by the Act); District Planning Committees (Committees for particular districts within the metropolitan region); and Special Purpose Committees (Committees established to perform a particular purpose). Statutory Committees are established under Schedule 2 of the Act. They perform a range of executive functions and activities that support the decision-making process of the WAPC. Each Committee's terms of reference should be evaluated annually to ensure it is appropriately focused and that the Committee is fulfilling its functions.

In addition to the Committees established under Schedule 2, the WAPC may establish other Committees to assist it in the performance of its functions. The WAPC may prescribe the constitution of the Committee.

Subject to the direction of the Board and to the terms of any delegation in accordance with the Act, a Committee may determine its own procedures.

A full list of the WAPC Committees that are currently operating can be found in the Executive Summary of this Governance Guide.

3. Key Board Functions

3.1 Role of the Board

The functions and Powers of the WAPC are defined in Division 2, Sections 14 and 15 of the Act.

The WAPC is a Board of management with a vast and broad scope of responsibilities. These can be categorised as follows:

1. Strategic Planning;
2. Statutory Planning;
3. Asset Management;
4. Financial and Risk Management; and
5. Governance.

3.1.1 Strategic Planning

The development of strategy is one of the WAPC's primary functions. The WAPC is unique among WA government authorities in its role and ability to undertake long-term integrated strategic land-use planning.

The WAPC's role with respect to strategic planning includes:

1. Preparation of strategic plans for land use, transport planning and land development at sub-regional, regional and State level;
2. Preparation of State and other planning policies;
3. Setting the broad strategy and direction for the DPLH to ensure the WAPC will meet its objectives and performance targets;
4. Production of an Annual Report, procedures and policies;
5. Approving strategic initiatives such as commercial ventures, significant acquisitions and disposals;
6. Ensuring the WAPC's Strategic Plan is appropriately resourced and that the WAPC's financial viability is maintained;
7. Reconsideration of assumptions and strategies that underpin the preparation of financial and strategic plans. These include assumptions about population growth, CPI trends and economic development. Relevant strategies include those underpinning income, expenditure management, borrowing, debt management, and service delivery levels; and
8. Approval of the annual budget for the WAPC.

3.1.2 Statutory Planning

Statutory planning is concerned with the regulation and management of land use and development.

The WAPC plays a role in creating or approving statutory planning instruments and can be responsible for making decisions under such instruments. Such instruments include region planning schemes, local planning schemes, improvement schemes, regional interim development orders, local interim development orders, and planning control areas. They serve as mechanisms which control land use and development.

Furthermore, the Act mandates that all subdivision must be approved and vests responsibility for this function in the WAPC.

Accordingly, the WAPC (or its delegates) routinely determine subdivision applications; approve structure and precinct plans and issue recommendations to the Minister on how to determine proposals concerning schemes or their amendment.

As previously noted, the WAPC also has responsibility for determining certain types of development applications.

3.1.3 Asset Management

The WAPC is responsible for the acquisition, management and disposal of properties reserved under the Metropolitan, Peel and Greater Bunbury region schemes. Such land is dealt with for purposes related to primary and other regional roads, parks and recreation, regional open space areas, special uses including planning control areas and improvement plans, and major land development projects.

3.1.4 Risk and Financial Management

The Board is ultimately responsible for the WAPC's approach to risk. Managing risk is an integral part of good governance and the Board recognises risk management is an iterative process that must be embedded into existing practices or business processes. For this reason, the Board is responsible for ensuring the WAPC has an adequate risk management framework in place. A best practice approach would aim to achieve consistency with current Australian and New Zealand Standards.

Consistent with this approach, the Board will review the risk profile of the WAPC at least annually and has implemented a risk reporting framework that identifies and tracks governance, strategic and operational risks.

The WAPC's specific responsibilities with respect to risk management include:

1. Integrating risk management into the WAPC's strategic planning process;
2. Achieving a balance between managing risk and encouraging innovation and vision;
3. Notifying the Minister of known risks to the effective operation of the Board;
4. Monitoring and reviewing the effectiveness and currency of internal financial and operational risk management, compliance and reporting systems;
5. Reviewing the risk profile of the WAPC at least annually;
6. Ensuring the WAPC operates within the establishing legislation, within any delegations and within rules and procedures relating to the use of public funds; and
7. Appointing a Member to the DPLH Audit and Risk Management Committee to provide specific oversight of risk and to make recommendations regarding risk management or changes to the risk approach.

Board and Committee members must understand and comply with government financial requirements, including requirements set by the Department of Treasury, the Department of Finance and the [Financial Management Act 2006](#). Members have a responsibility to read, understand and interpret the financial information contained in financial statements. For instance, they should enquire into, and be satisfied by any explanation of, a significant deviation in a budget. If uncertain about matters contained in financial statements, Members must seek advice and clarification from the Chairperson and/or Chief Finance Officer.

For guidance on understanding the aspects of public sector financial management in relation to revenue, the budget and financial statements, Members should first seek advice from the Chairperson and seek additional information from the Department of Treasury and the Department of Finance, or the PSC.

3.1.5 Governance

The foundations of good governance in the public sector are built on:

1. legislative, legal and government frameworks;
2. effective risk management;
3. delegations in decision making;
4. accountability, transparency, integrity, stewardship, efficiency and leadership;
5. values and codes of conduct; and
6. oversight, monitoring and continual improvement.

There are 7 principles that guide the governance of government boards and committees:

1. **Clear roles and responsibilities:** The roles and responsibilities of the Board and Committee members and stakeholders are clearly set out and understood;
2. **Expertise and diversity:** Members have a range of skills, knowledge, expertise and experiences, and come from diverse backgrounds;
3. **Strategic focus:** The Board and Committees operate strategically and monitor progress against strategic outcomes;
4. **Managed risks:** The Board and Committees identify and manage key risks, keep informed of obligations and responsibilities, and have reporting mechanisms to track governance, strategic and operational risks;
5. **Effective controls:** Control systems and procedures support Board and Committee accountability and compliance with financial, auditing and record keeping requirements.
6. **Ethical decisions:** Board and Committee decision making is informed, consistent, responsible and ethical – and balances the requirements of multiple stakeholders.
7. **Effective operations:** The Board and Committees manage their work effectively and within the limits of their statutory responsibilities.

The [Governance Manual for Western Australian Government Boards and Committees](#) has detailed information to help Board and Committee members carry out their responsibilities.

Key governance activities undertaken by the Board include:

1. Setting key performance indicators for the WAPC;
2. Establishing and monitoring governance arrangements, including reporting systems to meet the information needs of the Minister and the Board;
3. Establishing and reviewing all land use planning policies and delegations regularly;
4. Applying the Code of Conduct; and
5. Evaluation of the performance of the Board and the DPLH in its support of the Board.

3.1.6 Governance e-Learning for WA Government Boards and Committees

The WAPC is committed to ensuring all Board and Committee members receive the appropriate training in relation to good governance.

Members are required to complete the Public Sector Commission self-paced e-learning tool which provides an overview of good governance and provides guidance on the 7 principles that guide the governance of government Boards and Committees.

3.2 Delegations

A delegation is where a party with authority to exercise a power to do something authorises another party to act on the first party's behalf. It is normal for Boards to delegate certain functions to other parties and the WAPC is no exception. Delegating functions does not absolve the Board or its Members from accountability for those functions. A person who holds a delegation must take care to comply strictly within the limits of the delegation and any conditions placed on the delegation.

Subject to restrictions, in Section 16, Part 3 of the Act, the WAPC may delegate functions to any of its Members, a Committee, the CEO, an employee of the DPLH or a Local Government. Any delegation of its functions is recorded in an Instrument of Delegation. These are gazetted and published on the WAPC's webpage.

3.3 Execution of Documents

The WAPC has a Common Seal and when affixed to a document in accordance with the requirements of Section 24 of the Act, that document is executed as a deed. The Secretary is to have charge of the common seal of the WAPC and is responsible for the safe custody and proper use of it.

4. Board and Committee Processes

4.1 Board and Committee Meetings

The WAPC has discretion under [Schedule 1, clause 12](#) of the Act, to determine its own meeting proceedings.

The WAPC Meeting Procedures 2022 (Chapter 2 of this Governance Guide) provide the rules for the conduct of meetings of the Board and Committees of the WAPC. These Meeting Procedures set out the standards and rules for effective meetings and the Chairperson is responsible for their execution. Meetings are referred to in the Meeting Procedures in:

Part 1 - Calling and Convening meetings;

Part 2 – Business of the meeting;

Part 3 – Participation and access to agenda material;

Part 4 – Disclosure of interests;

Part 5 – Quorum;

Part 6 – Conduct of Members; and

Part 7 – Preserving order.

4.2 Frequency of Meetings

The Board meets regularly. A special meeting of the Board may be convened by the Chairperson on reasonable notice to Members. The frequency of Committee meetings is defined in the terms of reference for each Committee.

Members are provided with a calendar invite detailing the date, time and location of the meeting and the same details are published on the agenda. Should any of the meeting details change, Members will be advised as soon as possible.

4.3 Attendance

Board and Committee members are expected to attend all scheduled and special meetings. If a Member is unable to attend a meeting, an apology must be submitted to WAPC Commission Support in advance. In some instances, an ex-officio Board member may nominate an alternative person who can attend on their behalf, however, the attendee would not count towards quorum or be permitted to move or second an item or participate in any vote. Persons formally acting in the role of an ex-officio member (whilst the substantive occupant is on leave) can attend meetings as the ex officio member.

4.4 Board Agenda

Agendas for Board and Committee meetings are referred to in the WAPC Meeting Procedures 2022:

Part 2 – Business of the meeting;

Part 3 – Participation and access to agenda material;

4.4.1 Agenda Setting

A formalised process for agenda setting supports quality control of reports that Members must consider to make decisions. It requires that reports are viewed, considered and commented on by the DPLH's Executive Management prior to placement on any WAPC agenda. The agenda is structured to maximise the efficiency of the meeting. Members may submit requests to the Chairperson for items to be included on agendas and the Secretary approves all agendas.

4.4.2 Reports

All matters requiring Board or Committee decisions are to be set out in a report template. Reports submitted to the Board or Committees play a vital role in achieving a variety of planning outcomes for the Department and the State. All reports must be written to a high standard and include all the necessary information and data required to fully consider the recommendation. The report must be prepared in accordance with the WAPC's universal report template and in accordance with the Report Guidelines.

4.5 Deputations and Presentations

Administrative law entitles a person to be heard before a decision is taken that could affect their rights or property. The WAPC affords such persons the right to be heard at its meetings, in accordance with the process set up in its Meeting Procedures. These

submissions are called “deputations” and are dealt with in Section 2.6 of the Meeting Procedures.

5. Board Effectiveness

5.1 Conduct

Members have statutory duties under the [Statutory Corporations \(Liability of Directors\) Act 1996](#). These duties are enforceable by the Minister.

Board and Committee members:

1. have an obligation, at all times, to comply with the law and relevant codes and standards;
2. must act honestly; exercise reasonable care and diligence; and not make improper use of the information obtained in their positions;
3. owe a fiduciary duty to act in the best interests of the WAPC and not allow personal interests, or the interest of any associated person, to conflict with the interests of the WAPC;
4. will undertake diligent analysis of proposals placed before them, apply their specific expertise generously, and act with a level of skill expected from members of a statutory authority;
5. have an obligation to act independently and to take all reasonable steps to ensure commercially sound and rational decision making;
6. will not disclose information except where disclosure is authorised or legally mandated;
7. will not use their position for personal gain or to compete with the WAPC;
8. will make reasonable enquiries to ensure the WAPC is operating efficiently, effectively and legally towards achieving its objectives;
9. will not engage in conduct likely to discredit the WAPC; and
10. will encourage the reporting of unlawful or unethical behaviour and actively promote ethical behaviour and protection for those who report violations.

5.1.1 Code of Ethics

The Code of Ethics refers to the [WA Public Sector Commissioner's Instruction No.7: Code of Ethics](#). The Commissioner's instruction sets out the minimum standards of conduct and integrity to be complied with by all public sector bodies and employees. The Code of Ethics applies to all public sector employees, including chief executive officers, employees, Ministerial staff and public sector bodies as defined by the [Public Sector Management Act 1994](#). This includes Board and Committee members.

5.1.2 Code of Conduct

In addition to this overarching Code of Ethics, the WAPC has established its own Code of Conduct, applicable to Members of the Board and Committees. The standards of conduct expressed in the Code of Conduct are detailed in Chapter 3 of this Governance Guide.

5.1.3 Accountable and Ethical Decision Making

The WAPC is committed to ensuring all Board and Committee members are provided with Accountable and Ethical Decision Making training as a part of their

induction to the Commission, in recognition of the role they play as custodians of decisions of the State.

5.1.4 Aboriginal and Torres Strait Islander Cultural Awareness Training

It is important that Board and Committee members are aware of Aboriginal and Torres Strait Islander culture, history and experiences to work in a culturally informed way.

Cultural awareness training is mandatory for Board and Committee members in accordance with [Public Sector Commissioner's Instruction 29: Aboriginal and Torres Strait Islander Cultural Awareness Training](#).

The WAPC is committed to ensuring all Board and Committee members are provided with Aboriginal and Torres Strait Islander cultural awareness training as part of their induction.

5.1.5 Conflict of Interests and Disclosure

The requirement of Members to disclose interests is defined in the WAPC Code of Conduct (Chapter 3) and in Part 4 of the WAPC Meeting Procedures.

A conflict of interest arises where there is a conflict between the performance of a public duty and private, or personal, interests. Confidence in the Board and Committee's functions is dependent upon the accountable and ethical decision making of Board and Committee members in applying the best interests of the community before their own private interests. As such, all potential, perceived or actual conflicts of interest should be identified and appropriately managed.

It is not always possible for Members to avoid a situation where a conflict of interest could be perceived to exist. In some situations, particularly in small communities and specialist industries, a conflict of interest can be almost inevitable. It is how these conflicts are managed that is most important.

On appointment, Board and Committee members must declare any conflict of interests and these are recorded in the WAPC's Register of Ongoing Conflicts of Interests, managed by the Secretary. All conflicts of interests declared must also be recorded in meeting minutes. Any amendments to conflicts of interest already recorded on the Register of Ongoing Conflicts of Interest must also be recorded in the minutes. To ensure Members have an opportunity to disclose new conflicts of interest, each agenda has a standing item inviting disclosure of conflicts of interests. Members who have a material personal interest in a matter being considered or about to be considered by the Board or Committee must, as soon as practicable after the relevant facts have come to the Member's knowledge, disclose the nature and extent of the interest at a Board or Committee meeting.

5.1.6 Bias

In addition to the statutory obligation of disclosure on Board members in respect of material personal interests, a Board or Committee member has an independent common law obligation to disqualify herself/himself from voting or being present in any discussion which may give rise to a reasonable apprehension of bias. A reasonable apprehension of bias is not established unless a fair-minded lay observer might reasonably apprehend that a decision-maker might not bring an impartial mind to the assessment of the matter.

Almost all functions performed by a Board or Committee can potentially lead to conflict of interest situations. If in doubt, the Board or Committee member should consult the Chairperson or the Secretary.

When considering circumstances in which the disqualification by reason of the appearance of bias applies, it is useful to consider the following four categories:

- disqualification by interest (direct or indirect, pecuniary or otherwise) giving rise to a reasonable apprehension of partiality, prejudice or prejudgment;
- disqualification by conduct, either in the course of or outside the matter;
- disqualification by association from a direct or indirect contact, relationship or experience with a person(s) interested or involved in the matter; and
- disqualification by extraneous information (ie: knowledge of some prejudicial but inadmissible fact or circumstance).

5.2 Hospitality and Gifts

The Western Australian community trusts public officers, including Board and Committee members, to perform their duties impartially and with integrity. In some cases, accepting or giving a gift, benefit or hospitality could create the impression a decision-maker will favour a particular person or organisation when making decisions. This may not be the intention, but perceptions do matter.

The WAPC Code of Conduct (Chapter 3) prescribes the required conduct of Members; and this is also reflected in the WAPC Policy on Conflicts of Interests – Gifts, Benefits and Hospitality (Chapter 4).

5.3 Financial Disclosure

5.3.1 Primary Returns

A Primary Return is the disclosure of the return of each parcel of real property in which a Board or Committee member has an interest on the date of appointment and the return of each source of income they reasonably expect to receive over the primary return period. Income includes employment, trusts, shares, interests and positions in corporations, debts and discretionary disclosures. Within three months of appointment, a new Member of the Board, the SPC, the SVSPC and the EF&P, who are non-government employees must lodge a Primary Return in the prescribed format with the Secretary. This does not apply to a person who has lodged a return within the previous financial year, or who ceases to be a Member within three months.

5.3.2 Annual Returns

Each year, Members of the Board, the SPC, the SVSPC and the EF&P, who are non-government employees, must lodge an Annual Return in the prescribed format with the Secretary for the return period by 31 August of that year. “Return period” means –

- *if the last return lodged by a Member was a primary return, the period commencing on the day after the start day for the primary return and ending on 30 June in that year; or*
- *if the last return lodged by a Member was an annual return, the period of 12 months ending on 30 June in that year.*

5.3.3 Related Party Disclosures (AASB 124)

AASB (Australian Accounting Standards Board) 124 requires disclosure of summarised details about Key Management Personnel's (KMP, which include WAPC and EF&P members) remuneration and certain transactions with related parties. KMP are required to complete a declaration form at year end to provide:

- *details of their close family members and any controlled (or jointly controlled) entities; and*
- *details of any transactions, to the best of their knowledge, between themselves or their related parties and the WAPC.*

5.4 Board Evaluation

The WAPC will undertake an annual evaluation of Board performance. The evaluation methodology and the process will review how the Board is tracking against standards within this Charter and principles of good governance as defined by the PSC. The evaluation outcomes will be considered at a meeting and result in an actionable plan for continuous improvement.

The WAPC is committed to setting and achieving the highest standards of Board performance and governance. This commitment will provide great benefit to the WAPC, the DPLH, the public service and the people of Western Australia. Rigorous and continuous evaluation of Board performance will ensure the WAPC is best placed to achieve its strategic objective, while also offering a meaningful experience for Board members.

5.5 Board and Committee Member Remuneration

The Minister, on the recommendation of the Public Sector Commissioner, may from time to time determine the remuneration, travelling and other allowances of Boards and Committee members.

In accordance with [Premier's Circular 2021/18: State Government Boards and Committees](#) fees may not be paid to Board and Committee members if they are:

- on the public payroll, including all current full time State, Commonwealth and Local Government employees; Members of Parliament; current and retired judicial officers (except Magistrates); and current non-academic employees of public academic institutions; or
- a person who was a former Member of Parliament within the last 12 months.

Part-time public servants; where the relevant Minister is satisfied that the work relating to the Board or Committee will occur outside of their employment, and all other potential conflicts of interest are appropriately managed, elected Local Government councillors and university academics are eligible for fees when sitting on State Government Boards and Committees. Eligible Board and Committee members' fees are payable fortnightly or monthly. Board and Committee members are required to complete tax declaration forms and are entitled to superannuation. Eligible Board and Committee members are also reimbursed travel expenses incurred as a result of their attendance at meetings. For vehicle expenses the "current cents per kilometre car expense payments" rate set by the Australian Tax Office applies.

5.6 Insurance

In accordance with [Section 15](#) of the [Statutory Corporations Liability of Directors Act 1996](#) the WAPC may pay a premium to insure current or former Members against certain liabilities. The WAPC Directors' and Officers' insurance is arranged through RiskCover.

5.7 Independent Legal Advice

Board and Committee members may, with the approval of the Chairperson, seek legal advice from the State Solicitor's Office on matters presented to the Board or one of its Committees. The Chairperson is responsible for authorising the WAPC to pay any costs relating to legal advice costs for Members.

5.8 Board Member Development

The WAPC has a commitment to the ongoing development of its Members, in the pursuit of advancing the quality of the work of the WAPC. In order to continually improve Board and Committee performance, all Members are encouraged to undergo ongoing professional training and development. Members are required to undertake the Accountable and Ethical Decision Making program and Aboriginal and Torres Strait Islander Cultural Awareness Training.

Board members are encouraged to undertake the AICD (Australian Institute of Company Directors) Company Directors Course.

Additional training needs may be identified in review of Board performance.

5.9 Board and Committee Member Induction

New Members will receive a full introduction to their roles and responsibilities on the Board or relevant Committee.

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Under the powers conferred by the [Planning and Development Act 2005](#), and under all other powers enabling it, the Western Australian Planning Commission (WAPC) resolved on 29 August 2022 to make these Meeting Procedures.

1. Preliminary

1.1 Title

1. This document may be cited as the WAPC Meeting Procedures 2022.
2. In the clauses to follow, this document is referred to as the “Meeting Procedures”.

1.2 Preamble

1. The [Planning and Development Act 2005](#) (the Act) provides for the establishment and operation of the WAPC in the following terms -
 - a. a body called the WAPC is established and is a body corporate with perpetual succession;
 - b. the WAPC is to have a Board of management (the Board) which is the governing body of the WAPC;
 - c. the Board, in the name of the WAPC, is to perform the functions of the WAPC under the Act or any other written law; and
 - d. subject to the Act, the Board is to determine its own procedures.
2. The WAPC has adopted the Meeting Procedures as the procedures relevant to the conduct of meetings.

1.3 Purpose and Intent

1. These Meeting Procedures provide the rules for the conduct of meetings of the Board and Committees of the WAPC.
These Meeting Procedures should enable:
 - a. effective decision-making at meetings;
 - b. the orderly and efficient conduct of meetings;
 - c. greater community and industry understanding of the business of the WAPC; and
 - d. greater clarity of Members and employees responsibilities relating to the WAPC’s meeting procedures.

1.4 Application

These Meeting Procedures apply to all meetings of the Board and any Committees of the WAPC.

1.5 Interpretation

1. In the Meeting Procedures –

<ul style="list-style-type: none"> ▪ Absolute Majority 	<ol style="list-style-type: none"> (a) in relation to the Board, means more than half the votes of the total number of Members of the Board, whether they are present or not, as opposed to a simple majority; and (b) in relation to a Committee, means more than half the votes of the total number of mandatory
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	and appointed Members of the Committee, whether they are present or not, as opposed to a single majority.
▪ Act	means the Planning and Development Act 2005
▪ Board	means the Board of management of the WAPC established under the Act;
▪ Chairperson	means the Chairperson of the Board;
▪ Committee	means a Committee of the WAPC established under the Act;
▪ WAPC	means the Western Australian Planning Commission established under the Act;
▪ Department	means the Department of Planning, Lands and Heritage;
▪ Deputation	means a verbal presentation or written submission to a Board or Committee meeting on an agenda item made by a person who has a direct interest in the agenda item;
▪ Deputy Member	has the meaning given to it under the Act;
▪ Employee	means a person employed by the DPLH in accordance with the Act;
▪ En-bloc	means the practice of adopting more than one report recommendation, by one resolution. This is used, where Members, having reviewed the reports, have no query or disagreement in relation to those particular recommendations.
▪ Implement	in relation to a decision, includes – (a) communicate notice in writing of the decision to a person affected by, or with an interest in, the decision; and (b) take other action to give effect to the decision;
▪ Member	means – (a) in relation to the Board, a Member of the Board; (b) in relation to a Committee, a Member of a Committee;
▪ Minister	means the Minister responsible for administering the Act;
▪ Presentation	means a briefing at a Board or Committee meeting;
▪	(a)
▪ Primary Motion	means an original motion or an original motion as amended, but does not include an amendment motion or a procedural motion;

<ul style="list-style-type: none"> ▪ Policy 	means any policy adopted by the WAPC including joint WAPC-Department of Planning, Lands and Heritage policies;
<ul style="list-style-type: none"> ▪ Order 	means the proper conduct of and compliance with the Meeting Procedures by, a Member, employee or other person in attendance at the meeting so that the meeting is conducted in an orderly and decorous manner;
<ul style="list-style-type: none"> ▪ Ordinary Meetings 	are those Board and Committee meetings of the WAPC called for the transaction of the ordinary business of the Board or Committee;
<ul style="list-style-type: none"> ▪ Secretary 	means the Secretary of the WAPC appointed under the Act;
<ul style="list-style-type: none"> ▪ Simple Majority 	means a majority of those present and entitled to vote at a meeting. An abstention shall not be included in the count of those present and entitled to vote;
<ul style="list-style-type: none"> ▪ Special Meetings 	are those called to consider special business, the nature of which shall be notified in the notice concerning the meeting;
<ul style="list-style-type: none"> ▪ Revocation Motion 	means a motion to revoke or change a decision made at a Board or Committee meeting; and
<ul style="list-style-type: none"> ▪ Urgent Business 	means business dealt with in accordance with clause 4.13.

2. Unless otherwise defined herein the terms and expressions used in the Meeting Procedures are to have the meaning given to them in the Act.

1.6 Ordinary and special Board meetings

1. Ordinary and special Board meetings are dealt with in the Act.

Note: Clause 8 (1) of schedule 1 of the Act as follows:

1. *subject to sub clause (2), meetings are to be held at such times and places as the Board determines.*
2. *a special meeting of the Board may, on reasonable notice to all members, be convened by the Chairperson or any 2 members.*
2. An ordinary meeting of the Board, as determined by the Board, is for the purpose of considering and dealing with the ordinary business of the WAPC.
3. A special meeting of the Board is held for the purpose of considering and dealing with WAPC business that is urgent, complex in nature or for a particular purpose.

1.7 Calling Board meetings

A meeting of the Board is to be held -

1. In the case of a special meeting, if called for in a verbal or written notice to the Secretary by the Chairperson, setting out the date and purpose of the proposed meeting;

2. In the case of a special meeting, if called for by at least 2 Members of the Board in a written notice to the Secretary, setting out the date and purpose of the proposed meeting; or
3. In the case of an ordinary or special meeting, if so decided by the Board.

1.8 Ordinary and special Committee meetings

An ordinary meeting of the Committee, as determined by the Committee, is for the purpose of considering and dealing with the ordinary business of the WAPC and is relevant to the purpose for which the Committee is established by the Board.

A special meeting of the Committee is held for the purpose of considering and dealing with WAPC business that is urgent, complex in nature or for a particular purpose and is relevant to the purpose for which the Committee is established by the Board.

1.9 Who can call Committee meetings

A meeting of a Committee is to be held -

1. In the case of a special meeting, if called for in a verbal or written notice to the Secretary by the Chairperson, setting out the date and purpose of the proposed meeting;
2. In the case of a special meeting, if called for by at least one third of the Members of the Committee in a written notice to the Secretary, setting out the date and purpose of the proposed meeting; or
3. In the case of an ordinary or special meeting, if so decided by the Board or the Committee.

1.10 How ordinary and special meetings are convened

1. Subject to sub clause (2) the Secretary is to convene an ordinary or special meeting of the Board or a Committee by giving each Member at least three days' notice of the date, time, place and an agenda for the meeting.
2. Where in the opinion of the Chairperson, there is a need to meet urgently, the Secretary may give a lesser period of notice of the date, time, place and agenda for the meeting mentioned in sub clause (1).
3. The Secretary is to give notice of meetings referred to in sub clauses (1) and (2) to every Member of the Board or Committee as the case requires.
4. Should any of the meeting details change, the Secretary will advise the Members as soon as possible.

1.11 Resolution without meeting

1. Resolutions by the Board without a meeting are dealt with in the Act.

Note: Clause 9 of schedule 1 of the Act as follows:

Resolution without meeting

A written resolution signed by each member or assented to by each member by letter or facsimile is as effectual as if it had been passed at a meeting of the Board.

2. Resolutions by Committees without a meeting require a written resolution signed by an absolute majority of Members.

1.12 Meeting participation by instantaneous communication

1. Telephone and similar meetings of the Board are dealt with in the Act.

Note: Clause 10 of schedule 1 of the Act as follows:

Telephone or similar meetings

A communication between a majority of the members by telephone, audio visual or other electronic means is a valid meeting of the Board if:

- (a) each participating member is capable of communicating with every other participating member instantaneously at all times during the proceedings; and*
 - (b) all members were advised that the communication would be taking place and were given the opportunity to participate.*
2. Telephone and similar meetings of Committees shall be deemed valid if conducted in the same manner as those of the Board, in accordance with Clause 10 of schedule 1 of the Act.

1.13 Who presides at Board meetings

Who presides at a Board meeting is dealt with in the Act.

Note: Clause 8(3) of schedule 1 of the Act as follows:

The Chairperson is to preside at all meetings of the Board at which he or she is present, or in which he or she is participating under clause 10.

1.14 When a deputy Chairperson can preside at a Board meeting

When the deputy Chairperson can preside is dealt with in the Act.

Note: Clause 6(4) of schedule 1 of the Act as follows:

Where the Chairperson is unable to act because of sickness, absence or other cause, the deputy Chairperson is to act in the Chairperson's place.

1.15 Who presides if no Chairperson or deputy Chairperson at a Board meeting

Who presides if the Chairperson or deputy Chairperson is absent or unavailable is dealt with in the Act.

Note: Clause 8(4) of schedule 1 of the Act as follows:

If both the Chairperson and the deputy Chairperson are not present or participating, the members present or participating are to appoint a member to preside.

1.16 Who presides at Committee meetings

Note: the appointment of a Committee's Chairperson should occur at its inception.

If, in relation to the Chairperson of a Committee-

1. the office of Chairperson is vacant; or
2. the Chairperson is not available or is unable or unwilling to perform the functions of Chairperson, then the deputy Chairperson, if any, may perform the functions of the Chairperson.

1.17 Who acts if the Chairperson or deputy Chairperson at Committee meetings

If the Chairperson and deputy Chairperson of a Committee are absent or unavailable the Members present or participating are to appoint a Member to preside.

2. Business of the Meeting

2.1 Business to be specified in agenda

1. No business is to be transacted at any ordinary meeting of the Board or a Committee other than that specified in the agenda without the approval of the Chairperson or a decision of the Board or Committee, except matters which the Meeting Procedures permits to be dealt with without notice.
2. No business is to be transacted at a special meeting of the Board or Committee other than that specified in the agenda, and to which notice as to the purpose of the meeting has been given.
3. No business is to be transacted at an adjourned meeting of the Board or a Committee other than that -
 - (a) specified in the agenda of the meeting which had been adjourned; and
 - (b) which remains unresolved, except in the case of an adjournment to the next ordinary meeting of the Board or the Committee, when the business unresolved at the adjourned meeting is to be the first business to be considered at that ordinary meeting.
4. Despite sub clauses (1)-(3), the Secretary, with the approval of the Chairperson, may include on the agenda of a Board or Committee meeting in an appropriate place within the order of business any matter which must be decided, or which he or she considers is appropriate to be decided, by that meeting including the tabling of any late reports.

2.2 Meeting to proceed to business

A meeting is to proceed to business as soon after the time stated in the notice as a quorum is constituted.

2.3 Order of business

1. Unless otherwise decided by the Chairperson, the order of business at an ordinary meeting of the Board or Committee is to be substantially as follows:
 - (a) declaration of opening;
 - (b) apologies;
 - (c) members on leave of absence and applications for leave of absence;
 - (d) disclosure of interests;
 - (e) declaration of due consideration;
 - (f) confirmation of minutes;
 - (g) deputations and presentations;
 - (h) items for discussion or decision
 - (i) reports for noting
 - (j) stakeholder engagement and site visits
 - (k) urgent or other business
 - (l) items for consideration at a future meeting;
 - (m) closure.
2. Unless otherwise decided by the Chairperson of the Board or Chairperson of a Committee, the order of business at any special meeting of the Board or a Committee is to be the order in which that business stands in the agenda of the meeting.

2.4 Leave of absence

2.4.1 Leave of absence from the Board

The grant of leave of absence from the Board is dealt with in the Act.

Note: Clause 5 of schedule 1 of the Act as follows:

Leave of absence

The Minister may grant leave of absence to a member on such terms and conditions as the Minister thinks fit.

2.4.2 Leave of absence from a Committee

Committee members are to advise the relevant Committee, either in writing or verbally at a meeting of the Committee that they will be unable to attend a future meeting. The dates of the leave of absence are to be recorded in the minutes of the meeting.

2.5 Declaration of due consideration

1. Any Member who is not familiar with the substance of any report or other information provided for consideration at a Board or Committee meeting must declare that fact at the time declarations of due consideration are called or otherwise before the meeting considers the matter.
2. In the event of a declaration made in sub clause (1) the relevant matter shall be deferred for later consideration at that meeting so as to allow an opportunity for any Member making a declaration to become familiar with the relevant report or other information.
3. If the delay in sub clause (2) has not allowed sufficient time for the Member to give due consideration to the matter, the Member is to leave the meeting room before the matter is considered and is put to the vote.
4. Where a Member withdraws from a meeting of the Board or a Committee, the Chairperson may invite the withdrawn Member's deputy, if present, to participate as a Member of the Board or Committee in place of the Member during the consideration of that item only.

2.6 Deputations and presentations

Applications to make a verbal deputation or provide a written submission to Board or Committee meeting are to be made in writing using the Request for deputation/presentation form available on the WAPC webpage and lodged no later than 9:30am two (2) business days prior to the commencement of the meeting.

All requests for deputations and presentations are to be approved by the Chairperson. The Chairperson may delegate the approval of deputations and presentations to the Secretary, WAPC, should the Chairperson be unable to act due to sickness, absence or other cause.

Once the deputation has been given, those people giving the deputation must then leave the meeting, unless permitted to remain by the Chairperson.

2.7 Announcements by the Chairperson without discussion

At any meeting of the Board or Committee the Chairperson may announce or raise any matter of interest or relevance to the business of the Board or Committee.

2.8 Confirmation of minutes

1. The Chairperson at a meeting of the Board or a Committee is to cause minutes to be kept of the meeting's proceedings.
2. The content of minutes of a meeting of the Board or a Committee is to include -
 - (a) the names of the Members present at the meeting;
 - (b) where a Member enters or leaves the meeting during the course of the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting;
 - (c) details of each motion moved at the meeting, the mover, the seconder and the outcome of the motion;
 - (d) details of each decision made at the meeting;
 - (e) written reasons for each decision made at the meeting that is significantly different from the recommendation in the report presented; and
 - (f) in relation to each disclosure made at a meeting under part 4 of the Meeting Procedures, the type of interest and where the extent of the interest has also been disclosed, the extent of the interest.
3. The minutes of a meeting of a Board or a Committee are to be submitted to the next ordinary meeting of the Board or the Committee, as the case requires, for confirmation.
4. When minutes of a meeting are submitted to an ordinary meeting of the Board or Committee for confirmation, if a Member is dissatisfied with the accuracy of the minutes, then he or she is to:-
 - (a) state the item or items with which he or she is dissatisfied; and
 - (b) propose a notice of motion in writing clearly outlining the alternative wording to amend the minutes.
5. The Chairperson at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation.
6. When minutes are being confirmed, discussion is not to be permitted other than discussion as to their accuracy as a record of the proceedings.

2.9 Questions of which due notice has been given without discussion

1. Members may ask questions relating to an item on the agenda or on matters relating to the work or procedure of the Board or Committee prior to the meeting by written text or at the meeting.
2. Where practicable, the question will be shared with all Board or Committee members and answers provided in writing prior to the meeting or at the meeting.
3. The question is to be included, if practicable, in the agenda, or is otherwise to be tabled at the meeting.
4. A Member may ask a question at any time during the debate of a motion with the consent of the Chairperson.
5. Where a Board or Committee member requests general information at a Board or Committee meeting and a response is unable to be provided or the answer requires further investigation, the question will be:
 - (a) placed for consideration at a future meeting; or
 - (b) the answer to the question will be provided to all Members of the Board or Committee by way of written response within 14 days.

6. Such information is to be included in the minutes of the meeting.

2.10 Withdrawal of Reports

1. The Chairperson may withdraw an item or report listed in the agenda at any time prior to the commencement of the meeting.

2.11 Motions of which previous notice has been given

1. Unless the Act, or these Meeting Procedures otherwise provide, a Member may raise at a meeting of the Board or Committee such business as they consider appropriate, in the form of a motion, of which notice has been given in writing to the Secretary.
2. A notice of motion under sub clause (1) is to be signed by the Member and given to the Secretary at least four clear working days before the meeting at which the motion is to be moved.
3. A notice of motion must relate to a matter for which the Board or Committee is responsible.
4. The Chairperson–
 - (a) may exclude from the notice paper any notice of motion deemed to be out of order; or
 - (b) may on their own initiative make such amendments to the form but not the substance thereof as will bring the notice of motion into due form; and
 - (c) may under their name provide relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, financial and legal implications.
5. The Secretary -
 - (a) may with the concurrence of the Chairperson, exclude from the agenda any notice of motion that they consider to be out of order; or
 - (b) may after consultation with the Member who gave notice of the motion, make such amendments to the form but not the substance to bring the notice of motion into due form; and
 - (c) must provide relevant and material facts and circumstances pertaining to the notice of motion on matters such as policy, financial and legal implications.
6. If a notice of motion is excluded under sub clause (4)(a) or (5)(a), the Secretary is to provide the reason for its exclusion to all Members as soon as practicable.
7. A motion of which notice has been given is to lapse unless –
 - (a) The Member who gave notice thereof, or some other Member authorised by them in writing, moves the motion when called on; or
 - (b) The Board or Committee on a motion agrees to defer consideration of the motion to a later stage or date.
 - (c) If a notice of motion is given and lapses, a notice of motion in the same terms or to the same effect may be given for consideration at a subsequent meeting of the Board or Committee, but if the motion again lapses, the Board or Committee is not to consider a motion in the same terms or to the same effect at a subsequent meeting until at least three months have elapsed from the date of the meeting at which the motion last lapsed.
8. For the purposes of clarification, where a notice of motion is moved and seconded at a meeting of the Board or Committee, it is to be treated as a primary motion.

2.12 Urgent or other business

1. At any meeting of the Board or Committee members may announce or raise any matter of interest or relevance to the business of the Board or Committee during the “Urgent or other business” section of the meeting.
2. Subject to the following, in cases of extreme urgency or other special circumstance, matters may be raised without notice at the meeting.
3. A Member, at an ordinary meeting, may move a motion involving business that is not included in the agenda for that meeting if the Chairperson has first consented to the business being raised because the Chairperson considers that either -
 - (a) the nature of the business is such that the business cannot await inclusion in the agenda for the next meeting; or
 - (b) the delay in referring the business to the next meeting could have adverse legal or financial implications for the WAPC.
4. If a Member objects to a motion moved under sub clause (1), the motion is to be of no effect unless it is agreed to by an absolute majority.
5. Sub clauses (2) and (3) do not apply to a revocation motion being considered as urgent business in accordance with clause 10.2.
6. A motion moved without notice, shall be worded so as to refer to a particular matter for investigation and report to the Board or Committee for consideration of the Board or Committee at a later date, except where the Board or Committee is satisfied that sufficient information has been provided and that the urgency of the matter is such as to warrant an immediate decision by the Board or Committee.

2.13 Closure of a meeting to consider confidential items

1. The Chairperson may, at any time, recommend that a meeting or part of a meeting be closed to discuss any items of a confidential nature –
 - (a) Identified in the agenda of the Board or Committee meeting under the item Confidential; and
 - (b) Any person in receipt of confidential information must treat that material in accordance with any obligations imposed upon them under any Code of Conduct, contract of employment or statutory appointment.
2. If a resolution under sub clause (1) is carried -
 - (a) the Chairperson is to direct everyone to leave the meeting except -
 - (i) the Members; and
 - (ii) any officer specified by the Chairperson; and
 - (b) the meeting is to be closed until, at the conclusion of the matter justifying the closure of the meeting to the public, the Board or the Committee, by resolution, decides otherwise.
3. A person who fails to comply with a direction under sub clause (2) (a) may, by order of the Chairperson, be removed from the meeting.
4. Unless the Board or the Committee resolves otherwise, once the meeting is reopened the Chairperson is to ensure that any resolution of the Board or Committee made while the meeting was closed is to be read aloud.

2.14 Closure

At the conclusion of all business or when otherwise determined by the meeting, the Chairperson is to declare the meeting closed and the closing time is to be recorded in the minutes of the meeting.

3. Participation and access to agenda material

3.1 Attending Committee meetings as an observer

1. A Board member may attend any meeting of a Committee as an observer, even if the Board member is not a Member of that Committee.
2. An observing Board member may, with the consent of the Chairperson, speak, but cannot vote, on any motion before the Committee.

3.2 Public access to agenda materials

1. The Chairperson has the authority to decide if the WAPC or any of its' Committees agendas and minutes of meetings will be published on the WAPC website.
2. Subject to (1) above, the agendas and minutes of any Board or Committee to be published to the WAPC website are to be an abridged version of the full agendas and minutes. The abridged versions may not include items relating to matters for which the WAPC is not the final determining authority, or which include legally or commercially sensitive information, including the following:
 - (a) Policy and strategic plans, where sign off is required from the Minister;
 - (b) Local or Regional Planning Schemes/Amendments/Improvement schemes;
 - (c) Land acquisition and compensation;
 - (d) General Items / Other Matters (includes Tribunal responses);
 - (e) Matters for consideration by Cabinet.
3. For confidential items relating to initiation of Major Amendments to region schemes, recommendations to the minister on any planning schemes, improvement schemes and amendments, a Key Matters Coversheet is provided to provide greater transparency regarding the key matters under consideration to enable more focussed and pertinent deputations.
4. Subject to (1) above, the Board or any Committee is to ensure that its abridged agenda is posted on the WAPC website when the agenda is made available to Members;
5. Subject to (1) above, the Board or any Committee is to ensure that the abridged unconfirmed minutes of each Board or Committee meeting are posted on the WAPC website, within 10 working days after the meeting;
6. Nothing in sub-clauses (4) or (5) entitles members of the public to inspect the information referred to in that clause if, in the Chairperson's opinion, the meeting or that part of the meeting to which the information deals with any of the following:
 - (a) a matter affecting an employee or employees;
 - (b) the personal affairs of any person;
 - (c) a contract entered into, or which may be entered into, by WAPC and which relates to a matter to be discussed at the meeting;
 - (d) legal advice obtained, or which may be obtained, by WAPC;
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or

- (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the WAPC;
- (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) endanger the security of government property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
- (g) information which is the subject of a direction given under section 23(1a) of the [Parliamentary Commissioner Act 1971](#);

Note: Section 23(1a) [Parliamentary Commissioner Act 1971](#)

The Commissioner may in writing direct the person to whom a document is sent by the Commissioner not to disclose to any other person any information contained in the document except for the purposes of the investigation to which the document relates, and a person to whom such a direction is given shall comply with the direction.

- (h) such other matters as may be prescribed in these Meeting Procedures.

3.3 Confidentiality of information withheld

1. Subject to clause 3.2 and 3.4, all matters dealt with by the Board or a Committee must be treated as confidential and must not, without the prior authority of the Chairperson be disclosed to any person other than Members or officers serving the agencies and local government represented, and in the case of those officers, only so far as may be necessary for the performance of their duties.
2. Information withheld from members of the public, is to be -
 - (a) marked “Confidential” in the abridged version of the full agenda;
 - (b) identified in the agenda under the item “Confidential Items”; and
 - (c) kept confidential by Members and employees until the Board or Committee resolves otherwise.

3.4 Release of information

Where the conditions of personal privacy, commercial in confidence or commercial sensitivity no longer apply or cease to apply to a matter dealt with by the Board or Committee, the Chairperson may release information.

3.5 Recording of meeting prohibited

A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the Board or Committee meeting.

3.6 Prevention of disturbance

1. A reference in this clause to a person is to a person other than a Member.
2. A person addressing the Board or a Committee must extend due courtesy and respect to the Board or Committee and the processes under which it operates and must comply with any direction from the Chairperson.
3. A person must not interrupt or interfere with the proceedings of any meeting of the Board or a Committee, whether by expressing approval or dissent, by conversing or by any other means.

4. The Chairperson may warn a person who fails to comply with this clause.
5. If -
 - (a) after being warned, the person again acts contrary to this clause, or to the Meeting Procedures; or
 - (b) a person refuses or fails to comply with a direction by the Chairperson, the Chairperson may expel the person from the meeting by ordering him or her to leave the meeting room.
6. A person who is ordered to leave the meeting room and fails to do so may, by order of the Chairperson be removed from the meeting room and, if the Chairperson orders, from the premises.

4. Disclosure of interests

4.1 Framework for managing conflicts of interest

Conflicts of interest need to be considered within an ethical framework that requires you to act with integrity, impartiality, in good faith and in the best interests of the board you serve. In some cases, boards are required by law to manage conflicts of interest in a particular way. The legislation applicable to managing conflicts of interest includes the [Public Sector Management Act 1994](#) (particularly the public sector principles set out in Part 2), the [Financial Management and Accountability Act 1997](#) and the [Procurement Act 2020](#) as well as the [Public Sector Commissioner's Instruction No. 7: Code of Ethics](#).

4.2 Terms used in this part

In this part, unless the contrary intention appears -

1. “**extent**” in relation to an interest, includes the value and amount of the interest;
2. “**direct pecuniary interest**” is one where a Member has an interest in a matter where it is reasonable to expect that the matter if dealt with by the Board or a Committee, or an employee in a particular way, will result in a financial gain, loss, benefit or detriment for the Member;
3. “**indirect pecuniary interest**” refers to an interest in a matter where a financial relationship exists between a Member and another person who requires a WAPC decision in relation to the matter;
4. “**proximity interest**” refers to an interest of a Member, or close associate of the Member, in a matter if the matter concerns -
 - (a) a proposed change to a planning scheme affecting land that adjoins the person's land;
 - (b) a proposed change to the zoning or use of land that adjoins the person's land; or
 - (c) a proposed development, maintenance or management of the land or of services or facilities on the land that adjoins the person's land;
5. “**impartiality interest**” means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the Member having the interest and includes an interest arising from kinship, friendship, partnership or membership of an organisation or an association with any decision-making process relating to a matter for discussion before the Board or a Committee;
6. “**disclosure of representation**” means where a Member has had verbal communication with or on behalf of a person with an interest in a matter which is before a meeting, the Member is to disclose the interest. Where a Member is in receipt of relevant written material (including email) from or on behalf of a person with an

interest in a matter which is before a meeting, the Member is to table the material at the meeting for the information of Members.

7. **“Reasonable Apprehension of Bias”** the ‘rule against bias’ essentially requires a decision-maker to be neutral and free from bias when making a decision. Bias includes both pecuniary (monetary) interests and non-pecuniary (usually family and societal relationship) interests. This rule is usually applied in two possible ways:

- A decision-maker must not have an *actual* bias; and
- A decision-maker must not have a perceived apprehension of bias, when making a decision.

A reasonable apprehension of bias is not established unless a fair minded lay observer might reasonably apprehend that a decision maker might not bring an impartial mind to the assessment of a matter. The question of whether a decision maker might not bring an independent impartial mind to the relevant matter is one of possibility (real and not remote) and not of probability.

Therefore, if a Member believes there is a real possibility that in considering a matter, an observer may reasonably apprehend that the Member may not bring an impartial mind to the assessment of a matter, the Member should disclose this and abstain from consideration of the matter.

8. **“Lobbyist”** means a person, body corporate, unincorporated association, partnership or firm whose business includes being contracted or engaged to communicate with Government representatives for the purpose of influencing whether directly or indirectly, Government decision making.

4.3 Closely associated persons

1. For the purposes of this part a person is to be treated as being closely associated with a Member if -
 - (a) the person is in partnership with the Member;
 - (b) the person is an employer of the Member;
 - (c) the person is a beneficiary under a trust, or an object of a discretionary trust, of which the Member is a trustee;
 - (d) the person is a body corporate -
 - (i) of which the Member is a director, secretary or executive officer; or
 - (ii) in which the Member holds shares having a total value exceeding -
 1. \$10,000; or
 2. 1 per cent of the total value of the issued share capital of the company, whichever is less;
 - (e) the person is the spouse, de facto partner, close relative or child of the Member; or
 - (f) the person has a relationship specified in any of paragraphs (a) to (e) in respect of the Member’s spouse or de facto partner if the spouse or de facto partner is living with the Member.

4.4 When a Member has an interest

For the purposes of this part, a Member has an interest in a matter if either -

1. the Member; or
2. a person with whom the Member is closely associated, has -
 - (i) a direct pecuniary interest or indirect pecuniary interest in the matter; or
 - (ii) a proximity interest in the matter.

4.5 Disclosure of members' direct and indirect pecuniary interests

The disclosure of direct and indirect pecuniary interests by Members and their participation at meetings is dealt with in the Act.

Note: Section 266 (3) of the Act as follows:

Where a matter is before a meeting for consideration and a member participating in the meeting has a direct or indirect pecuniary interest in the matter, the member

- (a) as soon as possible after the relevant facts have come to the member's knowledge is to disclose that the member has such an interest to the other members participating in the meeting; and*
- (b) after disclosure of the interest is not to;*
 - (i) be present during any consideration or discussion of the matter; or*
 - (ii) vote on the matter.*

Penalty: \$5 000.

4.6 Disclosure of members proximity interests

1. A Member who has a proximity interest in any matter to be discussed at a Board or Committee meeting that will be attended by the Member must disclose the nature of the interest -
 - (a) in a written notice given to the secretary or Chairperson before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.
2. If a Member has disclosed an interest in sub clause (1) in a written notice given to the Secretary before a meeting then -
 - (a) before the meeting the Secretary is to cause the notice to be given to the person who is to preside at the meeting; and
 - (b) at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before the matters to which the disclosure relates are discussed.
3. A Member who makes a disclosure under sub clause (1) must not -
 - (a) preside at the part of the meeting relating to the matter; or
 - (b) participate in, or be present during, any discussion or decision-making procedure relating to the matter.

4.7 Invitation to return to provide information

1. Where a Member has disclosed an interest in clause 4.5 or clause 4.6, and has departed from the meeting room, the Chairperson may invite the Member to return to provide information in respect of the matter or in respect of the extent of the Member's interest in the matter.
2. A Member invited to return under sub clause (1) must withdraw after providing the information.

4.8 Substitution of deputy Member at meetings

Where a Member discloses an interest on an item under clause 4.5 or clause 4.6 and withdraws from a meeting of the Board or a Committee, the Chairperson may invite the disclosing Member's deputy, if present, to participate as a Member of the Board or Committee in place of the disclosing Member during the consideration of that item only.

4.9 Disclosure by Board members who are observers at Committee meetings

The obligation to disclose an interest in clause 4.5 or clause 4.6 is to apply to all Members present at Board and Committee meetings, including a Board member attending a Committee meeting in the capacity of an observer.

4.10 Disclosure of impartiality interests

1. A Member who has an impartiality interest in any matter to be discussed at a meeting he or she attends must disclose the nature of the impartiality interest -
 - (a) in a written notice given to the Secretary or Chairperson before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.
2. Sub clause (1) does not apply if -
 - (a) a Member fails to disclose an impartiality interest because the Member did not know he or she had an impartiality interest in the matter; or
 - (b) a Member fails to disclose an impartiality interest because the Member did not know the matter in which they had an impartiality interest would be discussed at the meeting and the Member disclosed the impartiality interest as soon as possible after the discussion began.
3. If, under sub clause (1)(a), a Member discloses an impartiality interest in a written notice given to the Chairperson before a meeting then at the meeting the Chairperson is to bring the notice and its contents to the attention of the Members present immediately before a matter to which the disclosure relates is discussed.
4. If -
 - (a) under sub clause (1)(b) or (2)(b) a Member's impartiality interest in a matter is disclosed at a meeting; or
 - (b) under sub clause (3) notice of a Member's impartiality interest in a matter is brought to the attention of the Members present at a meeting, the nature of the impartiality interest is to be recorded in the minutes of the meeting.
5. Subject to sub clause (6) a Member who makes a disclosure under sub clause (1) must not -
 - (a) preside at the part of the meeting relating to the matter; or
 - (b) participate in, or be present during, any discussion or decision-making procedure relating to the matter.
6. If a Member has disclosed, under sub clause (1), an impartiality interest in a matter, the Members present at the meeting who are entitled to vote on the matter -
 - (a) may resolve to allow the disclosing Member to be present during any discussion and / or decision-making procedure relating to the matter; and
 - (b) may allow, to the extent decided by those Members, the disclosing Member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision-making procedures relating to the matter if -
 - (i) the disclosing Member also discloses the extent of the impartiality interest; and
 - (ii) those Members decide that the impartiality interest is so trivial or insignificant as to be unlikely to influence the disclosing Member's conduct in relation to the matter.
7. A decision under this clause is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation in any discussion relating to a matter resolved by the Board or Committee.

4.11 Disclosure of representations

1. Where a Member has had verbal communication with or on behalf of a person with an interest in a matter which is before a meeting, the Member is to disclose the communication in accordance with clause 4.10.
2. Where a Member is in receipt of relevant written material (including email) from or on behalf of a person with an interest in a matter which is before a meeting, the Member is to table the material at the meeting for the information of Members.

4.12 Contact with a lobbyist

1. Members must be conscious to only have dealings with lobbyists, who are listed on the [Western Australia Public Sector \(Integrity Coordinating Group\) Public Sector Commission Register of Lobbyists](#), and are encouraged to check the list prior to discussions with lobbyists, and declare and describe any contact with a registered lobbyist by completing a WAPC Disclosure of Interest: Contact with a Lobbyist Form and submitting it to the Secretary.
2. To promote and further enhance public confidence in the transparency, integrity and honesty of dealings between lobbyists and Government representatives, contact with lobbyists is regulated by the [Integrity \(Lobbyists\) Act 2016](#) which:
 - (a) provides for the registration of lobbyists;
 - (b) provides a Code of Conduct for registered lobbyists; and
 - (c) prohibits registered lobbyists from receiving payments or other rewards dependent on outcomes of their lobbying activities.
3. [Public Sector Commissioner's Instruction No 16: Government representatives contact with registrants and lobbyists](#), supports the [Integrity \(Lobbyists\) Act 2016](#) and:
 - (a) prohibits dealings with lobbyists other than those that present on the Register of Lobbyists; and provides a Code of Conduct for registered lobbyists; and
 - (b) ensures the Public Sector Commissioner is made aware of any suspected dealings with unregistered lobbyists.
4. Members need to be aware of, and manage any actual, potential or perceived conflict of interest between their official duties and their relationship/s with lobbyists, which could include personal, financial or other interests in the organisations the lobbyist is representing or a personal or social relationship with the lobbyist.
5. Lobbyists are obliged to inform Members of the third-party interests they represent and the issues that the third party wishes the lobbyist to raise at the start of any contact.

4.13 On-going disclosure required

The obligation to disclose an interest under this part applies in regard to each meeting at which the matter the subject of the interest arises.

5. Quorum

5.1 Quorum for meetings

1. The quorum for Board meetings is dealt with in the Act.

Note: Clause 8(5) of schedule 1 of the Act as follows:

At any meeting of the Board a number of members equal to at least one half of the number of members provided for by section 10 constitute a quorum.

2. Subject to sub clause (3) a quorum for a meeting of a Committee is at least 50 per cent of the number of current offices of Members of the Committee.
3. In the case of the EF&P established under the Act, a quorum for a meeting is at least 50 per cent of the number of current offices of Members of the EF&P, at least one of whom is a Member appointed under subsection 10(1)(a) or (b) of the Act.

5.2 Quorum to be present

The Board or a Committee is not to transact business at a meeting unless a quorum is present.

5.3 Loss of quorum during a meeting

If at any time during the course of a meeting of the Board or Committee a quorum is not present – In relation to a particular matter because of a Member or Members leaving the meeting after disclosing an interest, the matter is adjourned until either;

1. A quorum is present to decide the matter; or
2. The Chairperson allows a disclosing Member or Members to participate in the meeting under the Act and a quorum, including the Member or Members, is present to decide the matter; or
3. If at any time during a meeting a quorum is not present, the Chairperson upon becoming aware of that fact is to suspend the proceedings of the meeting for up to 15 minutes.
4. If a quorum is not present at the expiration of the period in sub clause (3), the Chairperson may suspend the proceedings of the meeting for a further period of up to 15 minutes or adjourn the meeting to a future time and date.
5. A record is to be taken of all those who have spoken on the subject under consideration at the time of the adjournment.

5.4 Debate on motion to be resumed

1. Where the debate on any motion is interrupted at a Board or Committee meeting which is adjourned under clause 5.3, that debate is to be resumed at the next meeting at the point where it was so interrupted.
2. Where the interruption in sub clause (1) occurs at a Board or Committee meeting the resumption is to be at the next ordinary meeting unless a special meeting is called earlier for the purpose.
3. Where the interruption in sub clause (1) is at a special meeting, the resumption is to be at the next special meeting called to consider the same business or at the next ordinary meeting if it occurs before a special meeting can be called.

5.5 Names to be recorded

At any meeting -

1. at which there is not a quorum of Members present; or
2. which is adjourned under clause 5.3, the names of the Members then present are to be recorded in the minutes of the meeting.

6. Conduct of members

6.1 Obligations of members

Ethical behaviour is required of all Members at Board and or Committee meetings, official visits and at events where they represent the WAPC.

Board or Committee members shall:

1. Act with care and diligence and make decisions that are honest, fair, impartial, and timely, and consider all relevant information.
2. Treat people with respect, courtesy and sensitivity and recognise their interests, rights, safety and welfare.

The obligations of Members in the performance of their duties on the Board or a Committee, is dealt with in the Act.

*Note: Section 266 (2) of the Act as follows: 266 (2) A member must at all times act honestly in the performance of a function. **Penalty: \$5000.***

Members obligations are comprehensively addressed in material such as the [Public Sector Commissioner's Conduct guide for public sector Boards and Committees](#) and [Public Sector Commissioner's Instruction No. 7: Code of Ethics](#)

Members hold a position of trust and owe the same fiduciary obligations to the Board or Committee on which they are a Member, equivalent to those owed by a director to a company. This imposes a positive obligation upon Members to meet their duty of good faith and loyalty to the WAPC and avoid any conflicts of interest. This requires Members to prefer the interests of the Board or Committee over the interests or mandate of the agency they serve. This proposition is expressly reinforced in the PSC's publication referred to above.

6.2 Members not to interrupt

A Member must not interrupt another Member while speaking unless -

1. to raise a point of order under clause 7.2;
2. to call attention to the absence of a quorum; or
3. to move a procedural motion that the Member be no longer heard (under clause 11.1(6)).

6.3 No adverse reflection on decision

1. A Member must not reflect adversely on a decision of the Board or a Committee except on a motion that the decision be revoked or changed.
2. A Member must not -
 - (a) reflect adversely on the character or actions of another Member or employee; or
 - (b) impute any motive to a Member or employee, unless the Board or Committee resolves, without debate, that the motion then before the Board or Committee cannot otherwise be adequately considered.

6.4 Offensive language

1. A Member must not use offensive or objectionable expressions in reference to any Member, employee, or other person.
2. If a Member specifically requests, immediately after their use, that any particular words used by a Member be recorded in the minutes, the Chairperson is to cause the

words used to be taken down and read to the meeting for verification and then to be recorded in the minutes.

6.5 Direction to withdraw

A Member who, in the opinion of the Chairperson and in the absence of a resolution under clause 6.5(2) -

1. reflects adversely on the character or actions of another Member or employee;
2. imputes any motive to a Member or employee; or
3. uses an expression that is offensive or objectionable, must, when directed by the Chairperson, withdraw the reflection, imputation or expression and make a satisfactory apology.

6.6 Members who wish to speak

A Member who wishes to speak -

1. is to indicate their intention to speak by show of hands or other method agreed upon by the Chairperson; and
2. when invited by the Chairperson to speak, must address the meeting through the Chairperson.

6.7 Priority of speaking

If 2 or more Members of the Board or a Committee indicate, at the same time, their intention to speak, the Chairperson is to decide which Member is to be heard first.

6.8 The Chairperson may take part in debates

The Chairperson may take part in a discussion of any matter before the Board or Committee as the case may be.

6.9 Relevance

1. A Member must restrict their remarks to the motion or amendment under discussion, or to a personal explanation or point of order.
2. The Chairperson, at any time, may -
 - (a) call the attention of the meeting to any irrelevant or repetitious remarks by a Member; or
 - (b) direct that a Member, if speaking, to discontinue their speech.
3. A Member must comply with the direction of the Chairperson under sub clause (2) by immediately ceasing to speak.

6.10 Re-opening discussion on decisions

A Member must not re-open discussion on any decision of the Board or Committee, except for the purpose of moving a revocation motion under clause

7. Preserving order

7.1 Chairperson to preserve order

1. The Chairperson is to preserve order and, whenever they consider it necessary, may call any Member or other person to order.

2. When the Chairperson wishes, during the progress of a debate, to raise or rule on a point of order, any Member or person then speaking, or offering to speak, is to be silent so that the Chairperson may be heard without interruption.

7.2 Points of order

Without limitation, the following acts are to be taken as being out of order -

1. discussion of a matter not before the meeting;
2. the use of offensive or objectionable language; or
3. the violation of any written law, including the Meeting Procedures provided that the Member making the point of order states the written law believed to be breached.

7.3 Procedures on a point of order

1. Upon a matter of order arising during the progress of a debate, any Member may raise a point of order with the Chairperson including interrupting the speaker.
2. Any Member who is speaking when a point of order is raised in sub clause (1) is to immediately stop speaking while the Chairperson listens to the point of order.
3. A Member raising a point of order is to specify one of the grounds of the breach of order before speaking further on the matter.
4. A Member who is expressing a difference of opinion or contradicting a speaker is not to be taken as raising a point of order.

7.4 Continued breach of order

If a Member -

1. persists in any conduct that the Chairperson had ruled is out of order; or
2. fails or refuses to comply with a direction from the Chairperson, the Chairperson may direct the Member to refrain from taking any further part in that meeting, other than by voting, and the Member must comply with that direction.

7.5 Chairperson may adjourn meeting

1. For the purpose of preserving or regaining order, the Chairperson may adjourn the meeting for a period of up to 15 minutes.
2. On resumption, the debate is to continue at the point at which the meeting was adjourned.
3. If, at any one meeting, the Chairperson adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.
4. If there is an adjournment under this clause, the names of the Members who have spoken on the matter before the adjournment are to be recorded.

8. Motions and amendments

8.1 Recommendations in reports

1. Where the Board or a Committee adopts a recommendation contained in a report, either with or without amendment, the recommendation so adopted is taken to be a decision of the Board or the Committee (as the case may be).

2. Where a motion, if carried, would be significantly different from the relevant written recommendation of an employee or Committee, the reason for the decision is to be recorded in the minutes of the meeting.

8.2 Adoption of recommendations en bloc

A Member may move a motion to adopt by one resolution, all the recommendations or a group of recommendations from a report or several reports, without amendment or qualification after having first identified those recommendations, if any -

1. which require adoption by an absolute majority vote;
2. which any Member has indicated the wish to debate; and
3. in which any Member has indicated the wish to ask a question or to raise a point of clarification, and each of those recommendations referred to in paragraphs (1) and (2) must be considered separately.
4. Members who have declared a direct or indirect pecuniary, or proximity interest on an item that is to be included in an en-bloc motion may not vote on the en-bloc motion.

8.3 Motions

1. A Member who wishes to move a primary motion, or an amendment to a primary motion is to state the substance of the motion before speaking to it;
2. The Chairperson may require that a complex primary motion, or a complex amendment to a primary motion, is to be broken down and put in the form of more than one motion, each of which is to be put in sequence.

8.4 Motions to be seconded

1. A motion, or an amendment to a motion, is not open to debate until it has been seconded.
2. A motion to revoke or change a decision made at a Board or Committee meeting is not open to debate unless the motion has the support required under clause 10.1.
3. A Member seconding a motion has the right to speak on the motion later in the debate.
4. A motion is not to be amended by the mover without the consent of the seconder.

8.5 Unopposed motions

1. Immediately after a motion has been moved and seconded, the Chairperson may ask the meeting if any Member opposes it.
2. If no Member opposes the motion, the Chairperson may declare it carried without debate and without taking a vote.
3. A motion carried under sub clause (2) is to be recorded in the minutes as a unanimous decision of the Board or the Committee.
4. If a Member opposes a motion, the motion is to be dealt with according to this Part of the Meeting Procedures.
5. This clause does not apply to any motion or decision to revoke or change a decision that has been made at a Board or Committee meeting.

8.6 Withdrawing motions

1. A motion or amendment may be withdrawn by the mover, with the consent of the seconder, and no Member is to speak on it after it has been withdrawn.

2. If an amendment has been proposed to a primary motion, the primary motion cannot be withdrawn, except by consent of the majority of Members, until the amendment proposed has been withdrawn or lost.

8.7 One motion at a time

The Board or a Committee –

1. is not to accept a substantive motion while another substantive motion is being debated.

8.8 Permissible motions on recommendation from Committee

A recommendation made by a Committee may be –

1. adopted by the Board without amendment;
2. rejected by the Board and replaced by an alternative decision;
3. subject to clause 8.9(2), amended, and adopted as amended by the Board; or
4. referred back to the Committee for further consideration.

8.9 Amendments

1. A Member may move an amendment to a primary motion at any time during debate on the motion, except;
 - (a) if the mover has been called by the Chairperson to exercise the right of reply; or
 - (b) if another amendment is being debated, or has not been withdrawn, carried or lost; or
 - (c) during debate on a procedural motion.
2. An amendment must be relevant to the primary motion to which it is moved and must not have the effect of negating the primary motion.
3. An amendment to a primary motion is to take only one of the following forms -
 - (a) that certain words be omitted;
 - (b) that certain parts be omitted and others substituted or added; or
 - (c) that certain words be added.
4. Only one amendment is to be debated at a time, but as often as an amendment is withdrawn, carried or lost, another amendment may be moved before the primary motion is put to the vote.
5. Where an amendment is carried, the primary motion as amended is, for all purposes of subsequent debate, to be treated as a primary motion.
6. An amendment must be read by the mover before being seconded.

9. Debate of motions

9.1 Order of call in debate

1. The Chairperson is to call speakers to a motion or amendment in the following order -
 - (a) the mover to state the motion;
 - (b) a seconder to the motion;
 - (c) the mover to speak to the motion;
 - (d) the seconder to speak to the motion;

- (e) other speakers against and for the motion, alternating in view, if any; and
 - (f) the mover takes right of reply which closes debate.
2. A Member seconding a motion is to be taken to have spoken on the motion unless at the time seconding it the Member reserves the right to speak on the motion later in the debate.

9.2 Limit of debate

The Chairperson may offer the right of reply and put the motion to the vote if he or she believes sufficient discussion has taken place even though all Members may not have spoken.

9.3 Member may require motion to be read

A Member may require the question or matter or motion under discussion to be read at any time during a debate, but not so as to interrupt any other Member who is speaking.

9.4 Amendments must not negate original motion

1. No amendments to a motion can be moved which negates the original motion or the intent of the original motion.
2. An amendment shall be relevant to the motion on which it is moved.

9.5 Substantive motion

If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion.

9.6 Substantive resolution

Following the conclusion of amendments to the motion a reason for the amendment is to be provided and recorded in the minutes of the meeting.

9.7 Withdrawal of motion and amendments

The Board or Committee may, without debate, grant leave to withdraw a motion or amendment upon request of the mover of the motion or amendment and with the approval of the seconder provided that there is no voice expressed to the contrary view by any Member, in which case discussion on the motion or amendment is to continue.

9.8 Limitation of withdrawal

Where an amendment to a substantive motion has been proposed, the substantive motion is not to be withdrawn, except by consent of the majority of Members present, until the proposed amendment has been determined.

9.9 Voting

1. Voting at meetings of the Board including the casting vote of the person presiding is dealt with in the Act.

Note: Clause 8 (6) & (7) of schedule 1 of the Act as follows:

8 (6) Questions arising at a meeting of the Board are to be decided, in open voting, by a majority of the votes of members and associate members present.

8 (7) If the votes of members and associate members present at a meeting and voting on a question are equally divided, the person presiding has a casting vote in addition to a deliberative vote.

2. Each Member of a Committee who is present at a meeting of the Committee is entitled to one vote which is to be conducted so that no voter's vote is secret.
3. Each Member of the Board or Committee who is present at a meeting of the Board or Committee is to vote.
4. If the votes of Members present at a Committee meeting are equally divided, the Chairperson is to cast a second vote.
5. If a Member of the Board or a Committee specifically requests that there be recorded -
 - (a) his or her vote; or
 - (b) the vote of all Members present.
6. On a matter voted on at a meeting of the Board or the Committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.
7. A person who fails to comply with subsection (2) or (3) commits an offence.

9.10 Motion – when put

Immediately after the debate on any question is concluded and the right of reply has been exercised, the Chairperson -

1. is to put the motion to the meeting; and
2. if requested by a Member, is again to state the terms of the motion.

9.11 Method of taking vote

1. The Chairperson, in taking the vote on any motion, is to -
 - (a) put the motion, first in the affirmative and then in the negative;
 - (b) determine whether the affirmative or the negative has the majority of votes; and
 - (c) declare the result of the vote.
2. The motion put under sub clause (1) may be put as often as is necessary to enable the Chairperson to determine whether the affirmative or the negative has the majority of votes.
3. The result of voting is to be determined on the count of raised hands, however, it may be determined on the voices unless a Member calls for a show of hands.

9.12 Independence of vote

Members must exercise their vote independently and based on the information provided and or debated and their vote must not be fettered by the policy or positions adopted by other organisations to which they belong.

10. Revocation motions

10.1 Requirements to revoke or change decisions

1. If a decision has been made at a Board or a Committee meeting, then any motion to revoke or change the decision must be supported -
 - (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
 - (b) in any other case, by at least one third of the number of offices (whether vacant or not) of Members of the Board or Committee, inclusive of the mover.

2. If a decision has been made at a Board or a Committee meeting, then any decision to revoke or change the first-mentioned decision must be made by an absolute majority.

10.2 Revocation motion at the same meeting – procedures

1. A Member who moves a revocation motion at the same meeting where the decision is made must -
 - (a) clearly identify the decision to be revoked or changed; and
 - (b) clearly state the reason for the decision to be revoked or changed.
2. If the Chairperson receives a notice of a revocation motion to revoke a decision made at a meeting before the close of that meeting, the Chairperson is to advise the substance of the revocation motion and raise it as an item of urgent business under clause 2.11.
3. Where the Chairperson is advised of a revocation motion under sub clause (2), he or she is to -
 - (a) advise the meeting of the notice;
 - (b) state the substance of the revocation motion;
 - (c) determine whether there is sufficient support under clause 10.1; and
 - (d) if there is sufficient support, deal with the revocation motion.

10.3 Revocation motion after meeting – procedures

A Member wishing to move a revocation motion at a future meeting of the Board or a Committee must give to the Secretary notice of the revocation motion at least four clear working days' notice of the revocation motion prior the meeting, which is to -

1. be in writing;
2. specify the decision proposed to be revoked or changed;
3. include a reason or reasons for the revocation motion;
4. be supported by the number of Members required under clause 10.1;
5. specify the date of the ordinary or special meeting of the Board or the Committee where it is to be presented, as the case may be; and
6. be given to the Secretary in accordance with the notice of motion provisions in clause 2.10.
7. Any notice of revocation motion given to the Secretary must be dealt with in accordance with 2.10.

10.4 Implementation of a decision

If a valid notice of motion to revoke or change a decision of the Board or a Committee is received before any action has been taken to implement that decision, then no steps are to be taken to implement or give effect to that decision until such time as the motion or revocation or change has been dealt with, except that –

1. if a notice of motion to revoke or change a decision of the Board or a Committee is given during the same meeting at which the decision was made, the notice of motion is of no effect unless the number of Members required to support the motion under clause 10.1 indicate their support for the notice of motion at that meeting; and
2. if a notice of motion to revoke or change a decision of the Board or a Committee is received after the closure of the meeting at which the decision was made, implementation of the decision is not to be withheld unless:

- (a) the notice of motion has the support in writing of the number of Members required to support the motion under clause 10.1; and
- (b) if the effect of the change proposed in the notice would be that the decision would be revoked or would become substantially different.

11. Procedural motions

11.1 Permissible procedural motions

In addition to the right to move an amendment to a primary motion, a Member may move any of the following procedural motions -

1. that the motion be deferred;
2. that the meeting now adjourn;
3. that the debate be adjourned;
4. that the motion be now put;
5. that the ruling of the Chairperson be overruled;
6. that the Member be no longer heard; or
7. that the item be referred back to the (appropriate) Committee.

11.2 Who may move

With the exception of sub clause 11.1(6), a Member who has moved, seconded, or spoken for or against the primary motion, or any amendment to the primary motion, cannot move any procedural motion which, if carried, would close the debate on the primary motion or amendment.

11.3 Procedural motions - right of reply on primary motion

The carrying of a procedural motion which closes debate on the primary motion or amendment and forces a decision on the primary motion or amendment does not deny the right of reply to the mover of the primary motion.

12. Effect of procedural motions

12.1 The motion be deferred - effect of motion

1. If a motion “that the motion be deferred” is carried, then all debate on the primary motion and any amendment is to cease and the motion or amendment is to be resubmitted for consideration at a time and date specified in the motion.
2. A Member must not, at the same meeting, move or second more than one motion “that the motion be deferred” in respect of the same item.

12.2 Item be referred back to Board or Committee - effect of motion

1. If a motion “that the item be referred back to the Board or Committee” is carried, debate on the primary motion and any amendment is to cease and the primary motion, excluding any amendment, is to be referred back to the appropriate Committee for further consideration.
2. If the motion in sub clause (1) is lost, debate on the primary motion or amendment is to continue.

12.3 The meeting now adjourn - effect of motion

3. If a motion “that the meeting now adjourn” is carried then the meeting is to be adjourned to a time and date specified in the motion, or where no time and date is specified, to such time and date as the Chairperson declares, or to the next ordinary meeting.
4. Where debate on a motion is interrupted by an adjournment under sub clause (1) the debate is to be resumed at the date and time specified as required in sub clause (1) and at the point where it was so interrupted
 - (a)
5. If a motion “that the meeting now adjourn” is lost, no similar motion is to be moved until -
 - (a) after the conclusion of the business under discussion at the time the motion was moved; or
 - (b) if the motion was moved on the conclusion of an item of business, after the conclusion of the next item of business; or
 - (c) after the conclusion of any other business allowed precedence by the meeting.
6. A Member must not, at the same meeting, move or second more than one motion for the adjournment of the meeting.

12.4 The debate be adjourned - effect of motion

1. If a motion “that the debate be adjourned”, is carried all debate on the primary motion or amendment is to cease and is to continue at a time and date specified in the motion;
2. A Member must not, at the same meeting, move or second more than one motion “that the debate be adjourned” in respect of the same item.

12.5 The motion be now put - effect of motion

1. If a motion “that the motion be now put” is carried during discussion of a primary motion, the Chairperson is to offer the right of reply and then immediately put the motion to the vote without further debate.
2. If the motion “that the motion be now put” is carried during debate of an amendment, the Member Chairperson is to put the amendment to the vote without further debate.
3. If the motion “that the motion be now put” is lost, debate is to continue.

13. Establishment of a Hearing Committee

13.1 Hearing Committees

1. The Board may establish a hearing Committee, from time to time, for the purpose of considering evidence or any public submissions on an amendment to a region scheme.
2. Membership on a hearing Committee established under sub clause (1) is to consist of a minimum of three Members and may include –
 - (a) a Member of the relevant regional Committee established under schedule 2 of the Act that is affected by the amendment; and
 - (b) such other persons that the Board considers appropriate that may include but not limited to persons with -
 - (i) both general and local knowledge of the issues;
 - (ii) a close connection with the community; or

- (iii) appropriate skills and knowledge, subject to the person not having any direct or indirect pecuniary interest.
3. Members appointed under sub clause (2) are to declare any impartiality interests in accordance with clause 4.10 and clause 4.11.

14. Administrative matters

14.1 Chairperson to ensure compliance

The Chairperson of a meeting is to ensure compliance with the Meeting Procedures and that -

1. all material relevant to a decision has been made available to all Members;
2. all matters are well considered;
3. all Members are able to contribute to the discussion of any matter; and
4. the decision on the matter is understood by all.

14.2 Suspension of Meeting Procedures

1. A Member may, at any time, move that the operation of one or more of the clauses of the Meeting Procedures be suspended.
2. A Member moving a motion under sub clause (1) is to identify the clause or clauses to be suspended, and state the reasons for the motion, but no other discussion is to take place.
3. A motion under sub clause (1) which is seconded and carried is to suspend the operation of the clause or clauses to which the motion relates for the duration of the meeting, unless the meeting earlier resolves otherwise.

14.3 Cases not provided for in Meeting Procedures

1. In situations where –
 - (a) these Meeting Procedures have been suspended; or
 - (b) a matter is not regulated by the Act or these Meeting Procedures; the Chairperson is to decide questions relating to the conduct of the meeting.
2. The decision of the Chairperson under sub clause (1) is final, except where a motion of dissent is moved and carried under clause 11.1(5).

14.4 Breach of Meeting Procedures

Any breach of the Meeting Procedures is to be brought to the attention of the Secretary. The Secretary is to advise the Chairperson or respond in line with public sector requirements.

14.5 Relevant legislation

For the purposes of information, the following Acts confer powers and duties on the WAPC and the department other than the Act -

1. [Land Administration Act 1997](#);
2. [Strata Titles Act 1985](#);
3. [Metropolitan Region Improvement Tax Act 1959](#);
4. [Auditor General Act 2006](#);
5. [Corruption, Crime and Misconduct Act 2003](#);

6. [Equal Opportunity Act 1984;](#)
7. [Fair Trading Act 2010;](#)
8. [Financial Management Act 2006;](#)
9. [Freedom of Information Act 1992;](#)
10. [Parliamentary Commissioner Act 1971;](#)
11. [Procurement Act 2020;](#)
12. [Public Interest Disclosure Act 2003;](#)
13. [Public Sector Management Act 1994;](#)
14. [State Records Act 2000](#)
15. [Statutory Corporations \(Liability of Directors\) Act 1996;](#)
16. [Integrity \(Lobbyists\) Act 2016;](#)
17. [Work Health and Safety Act 2020.](#)

CHAPTER 3 – WAPC CODE OF CONDUCT

MESSAGE FROM THE CHAIRMAN

The Western Australian Planning Commission (WAPC) acknowledges and pays respect to the Aboriginal people of Western Australia as the traditional custodians of this land.

The WAPC exists to provide professional and impartial advice on planning matters for the benefit of all Western Australians. To ensure the community and government have confidence in the WAPC, we must act with a high standard of integrity and accountability. All Board and Committee members have a personal and collective responsibility to make accountable and ethical decisions and to act professionally and diligently in undertaking our duties.

The [Public Sector Commission's Instruction 7: Code of Ethics](#) sets out the minimum standards of conduct and integrity to be complied with by all Public Sector bodies. The WAPC Code of Conduct complements the Code of Ethics and applies to all Board and Committee members.

The Code of Conduct ensures we deliver the WAPC's vision of creating better places to live and work for all Western Australian's by performing our duties and making decisions to the highest standard of ethics, integrity, impartiality and professional conduct.

Please read and familiarise yourself with the Code of Conduct and continue to refer to it as you perform your role as a Board and/or Committee member. If you have any questions in relation to your obligations under this code, please request clarification.



David Caddy
Chairman
Western Australian Planning Commission
August 2022

PERSONAL BEHAVIOUR

As Members of the WAPC, we will understand the role of our Board/Committee and public duties by actively learning and staying informed about:

- the role and purpose of our Board/Committee and the statutory, regulatory and policy requirements that apply when carrying out our public duties;
- the political and social environment in which our Board/Committee operates; and
- all relevant issues and activities affecting our Board/Committee.

As Board/Committee members, we will put the public interest first, ahead of our own personal and pecuniary interests, and act with loyalty, in good faith, ethically and with integrity by:

- exercising our powers and discharging our duties in the best interests of the entity of which we are Members;
- making decisions fairly, impartially and promptly and considering all available information, legislation, policies, procedures and ethical codes;
- being accountable and transparent;
- not using our public position for personal gain or to cause detriment to others;
- doing our job lawfully, with reasonable care, diligence and efficiency;
- treating members of the public, stakeholders and fellow Board/Committee members with respect, courtesy, honesty and fairness; having proper regard for their interests, rights, safety and welfare;
- fulfilling our Board/Committee's statutory purposes and requirements and, to the extent permitted by the [Planning and Development Act 2005](#), serving the Government of the day;
- maintaining and contributing to a harmonious, safe and productive work environment and professional relationships;
- undertaking Accountable and Ethical Decision Making training as required by the Chairperson of the WAPC; and
- understanding the consequences of misconduct and actions that may be taken if we do not comply with the code and associated policies.

As Board/Committee members we will make an active contribution by:

- participating and working cooperatively with fellow Board/Committee members and stakeholders to achieve agreed goals;
- diligently preparing for meetings by reading and considering papers circulated with the agenda;
- expressing our concerns to the Chairperson or other relevant authority about consultations decisions or actions we believe may be contrary to the Board/Committee's public duty; and
- attending all Board/Committee meetings and complying with Standing Order 2.4, Leave of Absence.

COMMUNICATION AND OFFICIAL INFORMATION

As Board/Committee members, we will:

- maintain confidentiality and not divulge information deemed confidential or sensitive, other than as required by law or where proper authorisation is given. If we are unsure, we will seek direction from the Chairperson;
- not make improper use of information obtained in the course of our Board/Committee duties, or use information for direct or indirect personal or commercial gain, or to do harm to other people or the Board/Committee, for example, speculating on shares on the basis of confidential information or disclosing the contents of any official papers to unauthorised persons;

- respect confidential information and observe any restrictions agreed by the Board (subject to [Freedom of Information Act 1992](#) requirements);
- respect the privacy of individuals and the security of personal information;
- protect intellectual property;
- raise concerns of improper communications or use of information with the Chairperson, or other relevant authority; and
- not enter into any contract or arrangement contrary to section 81 of the [Financial Management Act 2006](#).

COMMUNICATION AND PUBLIC COMMENT

As Board/Committee members, we will:

- adhere to applicable legal requirements, policies and all other lawful directives regarding communication with parliament, Ministers, ministerial staff, lobbyists, the media and members of the public;
- not make public comment on behalf of the Board/Committee to the media or outside organisations. Only the Chairperson is authorised to make public comments; and
- understand how we may use social media in an official capacity, if at all, and in line with the [Government of Western Australia Social Media Guidelines](#).

FRAUDULENT OR CORRUPT BEHAVIOUR

As WAPC Members, we will:

- not engage in any fraudulent or corrupt behaviour; and
- report any information about actual or potentially fraudulent, corrupt or illegal activities to the Chairperson or, if necessary, to the Corruption and Crime Commission for serious misconduct, and to the Public Sector Commission (PSC) for minor conduct.

USE OF PUBLIC RESOURCES

As WAPC Members, we will:

- use the resources/funds of the State for Board/Committee business in an effective and economical manner;
- comply with applicable legislation, whole of government requirements and Board policies;
- not use public resources for personal gain or party political work;
- use equipment and property of the WAPC for intended purposes and in accordance with the manufacturer's specifications, whilst maintaining it in good condition and storing it securely;
- report any damage to, or loss of, property or equipment immediately to the Chairperson, Secretary, or responsible employee of the Department of Planning, Lands and Heritage; and
- ensure requests by an external party, such as a charitable organisation, to use WAPC facilities are referred to the Chairperson for approval.

INCURRING EXPENDITURE

As WAPC Members, we will:

- not approve our own expenditure for travel claims, reimbursements, credit card payments, private telephone subsidies; and
- maintain accurate records of all expenditure on WAPC business and provide documentation in a timely manner for processing and approval (note: expenditure will be acquitted in line with the [Financial Management Act 2006](#)).

TRAVEL AND ACCOMMODATION

As WAPC Members, we will:

- comply with [Premier's Circular 2014/02: Guidelines for official air travel by Ministers, Parliamentary Secretaries and Government Officers](#); and
- [Premier's Circular: 2021/18: State Government Boards and Committees](#)

ENGAGING CONSULTANTS OR CONTRACTORS

Following government guidelines and procedures will ensure consistency when engaging consultants or contractors.

RECORD KEEPING AND USE OF INFORMATION

All documents produced by the WAPC form part of the public record. Board members must ensure records are properly organised, used for intended purposes and securely stored. Board and Committee members also have individual responsibility for any document or electronic record in their custody.

SECURITY OF INFORMATION

As WAPC Members, we will:

- ensure recorded information under our control, in both paper and electronic form, is kept in a secure place;
- be diligent in handling Board and Committee records and secure sensitive documents;
- avoid discussing Board and Committee business in public places where there is a likelihood of being overheard; and
- dispose of duplicate copies of records and confidential documents in accordance with record keeping and archive procedures.

FREEDOM OF INFORMATION

As WAPC Members, we will:

- comply with the [Freedom of Information Act 1992](#) to assist the public to gain access to documents and to check personal information in documents;
- allow prompt access and ensure personal information held is accurate, complete, up-to-date and not misleading;
- record salient facts in documents;
- avoid recording inappropriately disparaging remarks and unsubstantiated personal opinions about individuals in official documents; and
- refer all enquiries related to public access to documents where Freedom of Information (FOI) is concerned to the FOI Coordinator.

CONFLICTS OF INTEREST AND GIFTS AND BENEFITS

CONFLICTS OF INTEREST

As WAPC Members, we will:

- keep our private, commercial, organisational or political interests separate from our official Board/Committee role; and

- openly declare matters relating to an interest that may conflict, be perceived to conflict, or potentially conflict with our public duty.

Part 4 of the WAPC Meeting Procedures provides the regulatory framework for managing conflicts of interests.

GIFTS AND BENEFITS

As WAPC Members, we will:

- carefully consider any offers of gifts, benefits or hospitality and ensure any decision to accept is done openly, placed on the record, and is consistent with the Board and Committee Members Conflict of Interest – Gifts, Benefits and Hospitality Policy;
- not accept gifts, benefits or hospitality:
 - likely to place us under an actual or perceived financial or moral obligation to other organisations or individuals; and
 - if they could reasonably be seen by the public, knowing the full facts, as intended or likely to cause us to act in a particular way or deviate from our public duty;
- declare and record all gifts, benefits and hospitality offered, be they accepted or otherwise. Appropriate documentation needs to be recorded via the appropriate method as provided for by Commission Support;
- not demand or accept in connection with our official duties any fee, reward, gratuity or remuneration of any kind which is outside the scope of our entitlements; and
- not use our public position for personal benefit or gain or to cause detriment to others.

PRIVATE INTERESTS

As WAPC Members, we acknowledge that conflicts between personal, financial or political interests and public duties can arise in, but are not limited to, for example, the following situations where a WAPC member:

- stands to make a financial gain from a Member's decision;
- holds membership of another organisation likely to benefit from, or be disadvantaged by, a Board/Committee decision; and/or
- has a spouse, children, close relatives or associates who stand to make a financial gain or loss or are Members of an organisation affected by a Board/Committee decision.

COMPETING INTERESTS

As WAPC Members, we will remember:

- loyalty to the Board overrides any responsibility a Member may have as an individual nominated to represent the interests of a particular group or sector. This includes a public officer who may have been appointed to a Board/Committee to represent their employer.
- that when conducting the business of the Board/Committee, the public officer's duty as a Member prevails if a conflict arises with the performance of his or her other public sector duties.

OTHER INFORMATION

- Please see WAPC Meeting Procedures Part 4 Disclosures of Interest
- Please refer to WAPC Board and Committee Members Conflict of Interest – Gifts, Benefits and Hospitality Policy at Chapter 4 of this Governance Guide.

REPORTING SUSPECTED BREACHES OF THE CODE

As WAPC Members, we will:

- familiarise ourselves with the WAPC's reporting mechanisms; and
- report suspected breaches of the code of conduct.

Suspected breaches of this Code can be reported directly to the Chairperson or a Public Interest Disclosure Officer.

The Chairperson is responsible for reporting serious misconduct matters to the Corruption and Crime Commission and minor misconduct to the PSC under the *Corruption, Crime and Misconduct Act 2003*.

CHAPTER 4 – WAPC POLICIES

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1. Conflicts of Interest - Gifts, Benefits and Hospitality Policy

Policy Statement

This policy requires the Western Australian Planning Commission (WAPC) Chairperson and Board and Committee Members to identify and manage the risks associated with the offer and acceptance of gifts, benefits and hospitality, to ensure the integrity of the WAPC is maintained.

Scope

This policy applies to the Chairperson and Board and Committee members.

Purpose of the Policy

This policy supports the WAPC Code of Conduct for Board and Committee members, and outlines the requirements for identifying, declaring and managing an actual, perceived or potential conflict of interest that may arise from the acceptance of gifts, benefits or hospitality.

Policy Requirements

Board and Committee members may at times be offered gifts, benefits or hospitality. Board and Committee members are to declare each and every offer of gifts, benefits and hospitality. Whilst declining every offer is simpler, it is more important to consider the nature of the gift or hospitality on its merits. If it is considered appropriate to accept an offer of a gift or hospitality, a Board or Committee member should discuss the situation with the Chairperson or the Manager, Commission Business prior to accepting, where possible.

Offers of gifts, benefits or hospitality must be declared and recorded, whether or not they are accepted.

To reduce the risks associated with accepting gifts, benefits and hospitality, the following applies:

- a. gifts, benefits or hospitality should never be demanded or solicited;
- b. a Board or Committee member must not accept in connection with their official duties any fee, WAPC, cash, reward, gratuity or remuneration of any kind which is outside the scope of their entitlements;
- c. gifts, benefits or hospitality likely to place a Board or Committee member under an actual or perceived financial or moral obligation to other organisations or individuals should not be accepted;
- d. family members or associates should not accept a gift, benefit or hospitality on a Board or Committee member's behalf;
- e. any hospitality received should be appropriate to the occasion and in accordance with the normal business practices of the host organisation;
- f. advice from the Chairperson or the Manager, Commission Business should be obtained if a Member is unsure how to respond to any offers;
- g. complete Accountable and Ethical Decision Making training as required by the Chairperson; and
- h. if the WAPC is providing hospitality it is to be approved by the Chairperson or Manager, Commission Business.

Guidelines

Board and Committee members can utilise the following guidelines to assist in determining whether to accept gifts, benefits and hospitality:

G – Giver	<ul style="list-style-type: none"> • Who is providing the gift, benefit or hospitality? • What is their relationship to me? • Does my role require me to select contractors, award grants, regulate industries or determine government policies? • Could the person or public sector agency benefit from a decision I make?
I – Influence	<ul style="list-style-type: none"> • Is the provider seeking to influence my decisions or actions? • Has the gift, benefit or hospitality been offered to me publicly or privately? • Is it a courtesy, token of appreciation or highly valuable? • Does its timing coincide with a decision I am about to make?
F – Favour	<ul style="list-style-type: none"> • Is the provider seeking a favour in return for the gift, benefit or hospitality? • Has the gift, benefit or hospitality been offered honestly? • Has the person or public sector agency made several offers over the last 12 months? • Would accepting it create an obligation to return a favour?
T – Trust	<ul style="list-style-type: none"> • Will public trust be enhanced or diminished? • Could I publicly explain the rationale for providing the gift, benefit or hospitality? • Will a hospitality event be conducted in a manner that upholds the reputation of the public sector? • Have records in relation to the gift, benefit or hospitality been kept in accordance with reporting and recording procedures?

H – Hospitality	<ul style="list-style-type: none"> To whom is the gift, benefit or hospitality being provided? Are recipients external business partners or employees of the host organisation?
O – Objectives	<ul style="list-style-type: none"> For what purpose is the gift, benefit or hospitality provided? Is it being provided to further the conduct of official business? Does it promote and support government policy objectives and priorities?
S – Spend	<ul style="list-style-type: none"> Are public funds be spent? What type of gift, benefit or hospitality is to be provided? If hospitality, is it modest or expensive? Is alcohol to be provided? Are the costs incurred proportionate to and less than the benefits obtained?
T – Trust	<ul style="list-style-type: none"> Will public trust be enhanced or diminished? Could I publicly explain the rationale for providing the gift, benefit or hospitality? Is the event to be conducted in a manner that upholds the reputation of the public sector? Have records in relation to the gift, benefit or hospitality been kept in accordance with reporting and recording procedures?

Reporting

To ensure transparency and accountability:

- all offers of gifts, benefits and hospitality, whether or not they are accepted, must be declared on the WAPC Disclosure of Interest: Gifts, Benefits and Hospitality Form as soon as practicable or recorded online in the gift declaration section of the ATTAIN meeting management software;
- the Secretary will ensure a register is maintained recording all offers of gifts, benefits and hospitality.

Reference Links (Legislation, Government Policy, Delegations)

- [Corruption, Crime and Misconduct Act 2003](#)
- [Financial Management Act 2006](#)
- [Planning and Development Act 2005](#)
- [Procurement Act 2020](#)
- [Public Interest Disclosure Act 2003](#)
- [Public Sector Management Act 1994](#)
- [State Records Act 2000](#)
- WAPC Code of Conduct

Supporting Information (Procedures, Guidelines, Forms, Templates)

- WAPC Disclosure of Interest: Gifts, Benefits and Hospitality Form
- [Governance Manual for Western Australian Government Boards and Committees](#)
- [Public Sector Commissioner's Instruction No. 7 – Code of Ethics](#)
- [Public Sector Commissioner's Instruction No. 8 – Codes of Conduct and Integrity Training](#)

Definitions

Term / Acronym	Definition
Conflict of interest	<p>A conflict of interest is a situation arising from conflict between the performance of public duty and private or personal interests.</p> <p>Conflicts of interest may be actual, or be perceived to exist, or potentially exist at some time in the future.</p>
Benefit	<p>Benefits relate to preferential treatment, privileged access, favours or other advantages.</p> <p>Benefits are generally intangible and can include things such as personal service, job offers and invitations to sporting or other events.</p>
Gift	<p>A gift is anything of value offered outside the scope of Board and Committee member entitlements. Gifts are generally tangible and include items such as consumer goods, promotional materials, samples, discounts on goods and services and cash.</p>
Hospitality	<p>Hospitality relates to entertaining stakeholders, conference delegates and other official visitors. Examples of hospitality may include offers of meals, invitations to events, sponsored travel or accommodation.</p> <p>Hospitality may be offered by a public authority to stakeholders to support and facilitate the business of the authority or government.</p> <p>Hospitality may also be offered to an officer by an external party as part of conducting the business of the authority or government.</p>

Authority / Owner

Authorised By:	Executive, Finance & Property Committee
Date Last Reviewed:	29 August 2022
Date Approved:	29 August 2022
Next Review Date:	29 August 2022
Version No:	3

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CHAPTER 5 – IMPORTANT REFERENCES

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1. WAPC State Planning Framework

[WAPC State Planning Framework](#)

The WAPC prepares and keeps under review the State Planning Strategy, and planning policies and strategies as the basis for coordinating and promoting land use planning, transport planning and land development in a sustainable manner, and for the guidance of public authorities and local governments. The WAPC Planning Framework provides an overview of the key documents that comprise the Framework.

2. WAPC Strategic Plan

[WAPC Strategic Plan](#)

The WAPC Strategic Plan establishes a strategic direction in the delivery of planning services.

3. WAPC DPLH Charter

The purpose of the Charter is to clarify the unique and complex relationship between the WAPC and the DPLH.

The Charter:

- Describes the nature of the relationship and its joint mission;
- Sets the standard for collaboration and culture in the relationship through its guiding principles;
- Clarifies the WAPC's governance functions and responsibilities as a board of management;
- Clarifies expectations of each party by documenting the roles, responsibilities and accountabilities of each
- Explicitly acknowledges the accountabilities each party has within the broader public sector framework
- Structures the relationship around the five elements of a strategic partnership

4. WAPC Instrument of Delegation

[WAPC Resolutions and Instruments of Delegation](#)

Many of the WAPC's day-to-day statutory functions are undertaken by the DPLH officers under delegated authority, permitted under s16 of the Act. This enables the WAPC to respond to the strategic direction of the government and focus on strategic planning of the State, while ensuring its comprehensive workload is properly managed and its responsibilities met in a timely and professional way. The WAPC adopts a best practice approach to the delegation of authority. As such, instruments of delegation are routinely examined to ensure they remain accurate and appropriate.