



Governance Manual

Adopted: 26/06/2024

This Governance Manual comprises the WAPC's:

1. Board Charter
2. Code of Conduct
3. Meeting Procedures
4. Administrative policies and procedures.

It should be read in conjunction with enabling legislation including:

- [*Planning and Development Act 2005*](#)
- [*Planning and Development \(Western Australian Planning Commission\) Regulations 2024*](#)
- Other regulations informing implementation of the Act.

Other important points of reference for the operations of the WAPC include:

- [*Public Sector Management Act 1994*](#) and associated regulations, Commissioner's circulars and standards issued under this.
- [*Statutory Corporations \(Liability of Directors\) Act 1996*](#)
- Relevant Government policies, Premiers Circulars and Ministerial Statements of Expectations.

References to these and other relevant documents are highlighted in italics and links provided where possible.

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Board Charter

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1 Introduction

The Western Australian Planning Commission (WAPC) is a statutory authority established under the *Planning and Development Act 2005 (Act)* with a range of functions and powers that enable it to fulfil its state-wide responsibilities for urban, rural, and regional land use planning and development. It is a corporate entity with a board of management, accountable to the Minister for Planning (Minster).

Its mission is to ensure “*the planning system develops policy and enables planning decisions for the long-term benefit of the Western Australian community*”¹.

The purpose of this document is to outline how the WAPC is governed and operates. It elaborates on legislative provision and addresses:

- Roles and responsibilities.
- Membership, structure, and requisite skills.
- Functional processes for board effectiveness and operations.
- Conduct
- Administration.

It works in conjunction with a series of other documents (shown in italics or underlined) with references and links provided at the end.

This document has been revised with reference to the Public Sector Commission’s *Governance Manual for WA Boards and Committees* (October 2023).

1.1. Defined Terms

Terms and abbreviations used in this document include:

▪ Act	<i>The Planning and Development Act 2005</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.
▪ 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

¹ WAPC Strategic Plan 2022-2025

▪ DPLH	Department of Planning, Lands and Heritage
▪ Gazette	Western Australian Government Gazette.
▪ 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.
▪ WAPC Regulations	<i>Western Australian Planning Commission Regulations 2024</i>

2. Roles and responsibilities

The WAPC is established and operates under Part 2 of the Act and related regulations (notably the WAPC Regulations).

In general terms, the WAPC's role is:

To provide independent advice and assistance to the Government on matters relating to integrated land use planning and development for the long-term benefit of Western Australians.

To develop integrated land use planning policies, strategies and plans which respond to the strategic direction of the Government, are consistent with principles of orderly and proper planning, and facilitate sustainable land use and development which optimises social, economic and environmental outcomes.

To promote and facilitate implementation and delivery of state planning policies, strategies and plans through its coordination, regulatory and other functions.

Section 13 of the Act specifies that in performing its functions, the WAPC must have regard to:

- the need to provide leadership to local governments, public authorities and other persons or bodies in relation to their roles in land use planning;
- the need to promote—
 - an efficient and effective land use planning system in the State;
 - the integrated and sustainable development of land in the State;
- the need to act expertly;
- the need to act impartially, subject to the Act and any other written law;
- if the Commission makes a decision that affects a local government, public authority or other person or body — the need to ensure that the Commission's reasons for the decision are available to the local government, public authority or other person or body.

The WAPC's functions are defined in section 14 of the Act and include:

- Providing advice to the Minister on integrated land use planning and development, and the systems and frameworks which support this.
- Preparing a State Planning Strategy, state planning policies, region planning schemes, improvement plans and improvement schemes.
- Planning for the coordinated provision of transport, infrastructure and land development.
- Acquiring, holding, managing and disposing of land associated with the schemes it administers.
- Other statutory functions required by the Act, schemes and legislation, including but not limited to:
 - approving local planning strategies;
 - making recommendations to the Minister on local planning schemes;
 - Approving structure plans;
 - determining applications for subdivision of land;
 - determining certain classes of development application; and
 - management of the Metropolitan Region Improvement Fund.

Its powers are specified in section 15 of the Act with section 16 enabling the delegation of those powers.

The WAPC is governed by a board of management (the Board) established under section 9 of the Act and is supported in the delivery of its functions by the Department of Planning Lands and Heritage (DPLH) pursuant to section 23 of the Act. Roles and responsibilities between the WAPC and DPLH are further outlined in a [Service Charter](#) and supported by [Instruments of Delegation](#).

2.1 Minister for Planning

The Board is appointed by and therefore accountable to the Minister who, in turn, is accountable to the Parliament of Western Australia.

Some of the Minister's planning and governance responsibilities are to:

- shape enabling legislation;
- consider the WAPC strategic plan and approve the WAPC annual budget;
- approve appointments to the board (potentially subject to cabinet approval) and certain statutory committee appointments;
- review operations and performance with the Chairperson; and
- accept the annual report.

The Minister is also responsible for certain planning decisions under the Act including approval of planning schemes and amendments to these, and making recommendations on or approving State planning policies, codes, and strategies.

Section 17 of the Act enables the Minister to give written direction to the WAPC in the exercise of its functions, excluding those relating to specific statutory applications or development proposals. This relationship essentially enables the WAPC to provide the Minister expert and impartial advice on key strategic documents and instruments and to negotiate strategic direction and resourcing aligned with Government priorities, whilst enabling the WAPC to deliver approved direction and instruments through subsidiary independent technical decision making.

Expectations between the Minister and WAPC can be further defined through:

- a Statement of Expectations: issued by the Minister outlining their expectations of the board in terms of performance, objectives, values, and government policies; and
- a Statement of Intent: generated by the WAPC outlining how it intends to respond to the Minister's expectation.

2.2 WAPC Board

The WAPC's board of management consists of a chairperson and expert members appointed by the Minister under section 10 of the Act who work together to develop strategic direction and ensure delivery of the WAPC functions and mandate. The Board's role consequently involves a combination of:

- governance responsibilities relating to strategic direction setting, financial management, and monitoring, compliance, and reporting; and
- technical decision-making and oversight relating to policy advice, plan development and delivery and statutory determinations it is responsible for under different parts of the Act.

Many of its day-to-day decisions are delegated and a key role for the Board is consequently to ensure the efficient and effective delivery of its functions through policy setting, guidance, and monitoring.

The Board is supported by various committees with specific roles to which it delegates a number of its powers and functions. Whilst some are prescribed in the Act and other legislation (Statutory Committees), others are established based on need and are periodically reviewed (Additional Committees).

2.2.1 Chairperson of the Board

The Chairperson of the WAPC is appointed by the Minister under section 10(2) of the Act and must have a planning qualification.

The WAPC Regulations specify the role of the Chairperson as being to:

- provide leadership to the Board;
- develop an effective board and operations;
- model high standards of professionalism and integrity;
- chair meetings of the board, and shape meeting agendas;
- manage risk and reporting;
- represent the Commission in public; and
- report to and liaise with the Minister on behalf of the Commission. (reg 11)

As the head of the WAPC and the primary point of interface with both the Minister and DPLH, the Chairperson plays a critical role in the operations of board.

The Public Sector Commission's *Governance Manual for WA Government Boards and Committees* indicates that board chairpersons:

- needs to develop good working relationships with ministerial staff, senior officers of the supporting agency (DPLH) and the board secretary;
- should ensure members, the minister, stakeholders, and the community have confidence in the leadership and operation of the board; and
- should operate professionally, objectively and in accordance with legislation.

The Chairperson may be supported by one or more deputy chairpersons.

2.2.2 Board Members

Being part of a government board or committee is an opportunity to make a difference and contribute to the State. It carries significant responsibility, legal and fiduciary obligations. It requires members to:

- Have a strong understanding of:
 - The purpose, functions, and responsibilities of the Board;
 - The agency supporting the board (DPLH) and its role relatively to the board; and
 - Member legal and statutory obligations.
- Act only within the bounds of authority.
- Remain informed about the business of the board and make a full contribution as part of an effective group.
- Act honestly, conscientiously and ensure decisions are properly informed.
- Work constructively and cooperatively with the chair, other members, committees, and the agency (DPLH).
- Act in good faith, in accordance with the Code of Conduct, Meeting Procedures and any applicable policies, and actively manage conflicts of interest.

While WAPC Board members may be appointed with background experience and expertise in a particular field, each has a fiduciary responsibility to the WAPC and must act and vote in the interests of the board as a whole in line with the agreed strategic direction. There is room for advocacy and contest viewpoints in the boardroom when establishing policy and direction but once set, it is not appropriate for members to publicly petition against or act contract to that position. It is important to let the Chairperson know of any concerns or changes in private interest that could impact the functioning of the board.

Key references for WA government board members in relation to their obligations include:

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*
6. Public Sector Commissioner's Instructions and publications.

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. *Providing administrative support such as preparing meeting agendas, taking meeting minutes, circulating papers, tracking actions arising from meetings and liaising between the WAPC and the chief executive.*
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 agency's (DPLH's) senior management.
5. Providing advice to board members on corporate governance principles and plans, and the implementation of corporate governance programs, such as risk management and performance assessment.
6. Carrying out the instructions of the board and committees, assisting in implementing corporate strategies and ensuring board decisions are implemented.²

2.3 Department of Planning Lands and Heritage

The Department of Planning Lands and Heritage (DPLH) is a department of State enabled by the *Public Sector Management Act 1994* (PSM Act) which supports both:

- Ministers exercise their portfolio functions; and
- statutory boards (including the WAPC, Heritage Council, Aboriginal Affairs Planning Authority and Pastoral Lands Board) administer their respective land use planning, historic heritage, Aboriginal people advancement, and land administration and management functions in accordance with applicable legislation.

DPLH provides the WAPC with the administrative, financial, and technical services necessary for its to fulfill its functions and pursues operational delivery of the strategic direction set by the Board. Many WAPC decisions are made by DPLH staff under delegation and report papers and recommendations for matters requiring a board position are similarly prepared by officers of the Department.

The Director General (DG) of DPLH (acting as CEO) is the primary link between the Board and DPLH and manages DPLH service delivery in accordance with a *Service Charter* agreed between the two bodies (see References and Links). A strong and positive relationship between the Board and DPLH based on mutual trust, respect and common understanding is critical as is general alignment between the priorities and direction set by the Board and Minister for DPLH to deliver.

3. Board membership and structure

The membership of the WAPC board is defined in section 10 of the Act and includes:

1. A chairperson with extensive experience and expertise in urban and regional planning.
2. A further 6-8 members appointed by the Minister with diverse expertise relevant to urban and regional planning including:
 - a. At least one with experience and expertise in urban and regional planning
 - b. At least one with extensive experience in local government; and
 - c. At least one with experience living and working in the regions outside Perth and Peel.

In addition to relevant expertise and experience, the WAPC operates most effectively when its members have relevant skills, knowledge, and diversity. These include those all members should possess and those which should be represented on the Board as a whole:

Skills and Qualities, required in all board members
1. an understanding of the public sector environment
2. honesty, integrity, and high standing in their profession

² Public Sector Commission, *Governance Manual for WA Government Boards and Committees* (October, 2023).

3. an ability to think strategically and contextualise proposals in the long-term interests of the state
4. ability to listen, respect different views, and treat others in a professional manner
5. sound judgement and ability to analyse, think clearly and make decisions objectively and impartially, in the best interests of the state
6. commitment to attend meetings, contribute to deliberations and take responsibility for decisions and outcomes delivered by the board
7. communication skills with the ability to respectfully debate difficult issues within the decision-making process
8. ability to work well with others and contribute to a highly functional team dynamic – being able to focus on common goals, priorities and problems and establish trusting relationships

Desirable Skills, Qualities and Experience, to be sought across board membership

Skills	<ul style="list-style-type: none"> • Vision, planning and leadership • Risk management and audit • Reading and understanding financial statements • Legal, financial, and other professional skills • Industry-specific skills and knowledge • Meeting facilitation • Stakeholder engagement and management
Qualities	<ul style="list-style-type: none"> • Diversity, considering factors such as age, gender, cultural & ethnic background, particularly seeking knowledge of Aboriginal and Torres Strait Islander matters, and professional background • Capacity to undertake board responsibilities, considering external commitments and potential conflicts of interest
Experience	<ul style="list-style-type: none"> • Working on a board or a committee • Networking and liaising with stakeholders • Working in a regional, rural, or remote context • Performing at a high level in relevant fields of expertise • Working across different sectors

3.1 Selection Criteria and Process

The statutory requirements, skills and other attributes inform the selection criteria for recruitment of Board and committee members. The selection process for appointments as defined by the Minister in relation to the Board and the WAPC in relation to Statutory Committees must be published on the WAPC website (regs 5, 35 and 48).

Government policy on recruitment and board membership such as *Premier's Circular 2023/02 – State Government Boards and Committees* is also relevant. For example, this outlined an expectation for:

- gender balance
- diversity of membership
- tenure limitations of 10 years; and
- staggered appointments.

Recruitment process typically involves an assessment of the skills and attributes required for the vacancy/ies, a call for nominations or use of the Government's On-board website and shortlisting by a panel with final selection made by the Minister or WAPC.

The Premier's Circular also indicates that Board appointments usually require Cabinet consideration.

3.2 Terms of Appointment

WAPC Regulations stipulate that appointments to the Board and committees may be for up to 5 years (typically two – four years) and are usually part time (regs 6 and 7): details are specified in the notice of appointment. Members are eligible for reappointment at the expiry of their term (noting the preference expressed in the Premier's Circular for periodic renewal).

Members are remunerated at a rate agreed by the Minister on the advice of the Public Sector Commission.

Members may resign by written notice to the Minister. (reg 8) or, in relation to committees, the WAPC (reg 30) via the Chairperson.

In limited circumstances, members may also become or be deemed unsuitable for the role in which case they will be notified in writing and the position vacated. (regs 8, 9 and 27).

3.3 Periodic Skills Evaluation

The WAPC must ensure it has the competence to deal with the current, emerging, and long-range issues affecting use and management of land and the WAPC's functions in this. The WAPC is committed to principles of good governance by regularly (biennially) evaluating both its skills base, composition and committee and operational arrangements to maximise effectiveness relevant to the changing strategic context. This process also provides the opportunity to consider upcoming vacancies and succession planning.

3.4 Committees

The WAPC board is supported by various committees which allow it to distribute its workload and ensure that matters are considered thoroughly by members with relevant skills and expertise. The Board remains accountable for committee decisions and the Board consequently monitors the activities of each committee through oversight of their minutes.

Schedule 2 of the Act prescribes two standing committees with ongoing functions:

- Executive Finance and Property Committee: which supports the WAPC's executive, financial and property functions, including management of the Metropolitan Region Improvement Fund and acquisition of land.
- Statutory Planning Committee.: which supports the delivery of the WAPC's statutory planning functions including planning applications requiring WAPC determination.

The *Swan Valley Planning Act 2020* also establishes the Swan Valley Statutory Planning Committee: which undertakes the WAPC's statutory planning functions within the Swan Valley area.

In addition, the WAPC may establish other committees to assist with the performance of its functions, clearly defining its role and responsibilities, term, and constitution (reg 46). To ensure integration between the Board and committees undertaking functions on its behalf, committees with delegation to undertake functions on behalf of the WAPC are to have an equal or greater number of board members than external / non-board members.

The Act and WAPC Regulations prescribe a number of other requirements in relation to the establishment and operation of committees.

A list of current WAPC committees and their *Terms of Reference* can be found on the [WAPC website](#).

4. Functional processes

4.1 Governance

The Public Sector Commission’s *Governance Manual for Western Australian Government Boards and Committees* indicates that 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.

It lists seven 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.

Essential governance functions of any board include:

- setting strategic direction;
- allocating resources;
- monitoring and managing performance;
- ensuring compliance;
- monitoring and managing risk; and
- ensuring accountable to stakeholders³.

The WAPC board does this through an integrated strategic planning, budgeting, and reporting program summarised as follows:

1	Sets strategic direction and provides leadership (includes policies, goals, strategy, and performance targets).
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³ Australian Institute of Company Directors, *The Role of the Board and the Practice of Directorship*, 2019

	Delivered through the development and maintenance of a strategic plan, goals, policies, and performance targets. These are developed in conjunction with DPLH executive and inform business planning, budgeting, and reporting.
2	Allocates resources to implement the strategic direction.
	Delivered through the formulation of a budget and release of funding aligned to strategic direction (within the parameters of broader government policies, processes and/or constraints e.g., FTE and expense limits).
3	Monitors and manages performance against strategies and targets.
	Monitors the performance of planning functions and services against both strategic performance target, service agreement targets and delegation parameters. Reporting typically occurs through quarterly and annual reporting
4	Ensures Compliance with legal, financial, regulatory, ethical, and environmental requirements.
	Ensures adequate processes are in place to be satisfied that regulatory obligations are being met. This typically involves: <ul style="list-style-type: none"> • Definition of policies, procedures and reporting requirements on key areas of compliance. • Monthly financial reporting. • Periodic audits in response to identified risk.
5	Monitors and manages risk.
	Ensures that an appropriate system of risk oversight and internal controls are in place to oversee and mitigate/manage risks in accordance with Treasurer's Instructions 1201 and 825 . This typically involves: <ul style="list-style-type: none"> • Operation of an Audit and Risk Management Committee. • Maintenance and application of a Risk Management policy & procedure. • Maintenance of a Strategic and an Operational Risk Register. • Quarterly reporting.
6	Maintains accountability and reporting to Government, stakeholders, and community.
	Defines and fulfills its approach to meeting the expectations and requirements of Government, stakeholders, and the community through: <ul style="list-style-type: none"> • Ministers Statement of Expectation and WAPC Response and reporting. • Customer service charter / service agreements. • Annual reporting against agreed performance targets. • Pro-active engagement in the formulation of strategies, policies, and standards. • Transparent application of policies, procedures, and <i>Code of Conduct</i>.

The WAPC's [Strategic Plan](#) and [Annual Reports](#) are published on its website.

4.2 Technical functions

The key technical functions of the Board derive from the Act and can be categorised as follows:

1. Strategic Planning: including:
 - a. preparing strategic plans for land use, transport planning and land development at the State, regional and sub-regional level;
 - b. preparing state and other planning policies;
 - c. approving strategic initiatives;
 - d. research, forecasting and the review of assumptions and strategies that underpin plans such as:
 - i. population growth;
 - ii. CPI trends; and
 - iii. economic development.
2. Statutory Planning: involving the creation or approval of statutory planning instruments and making of decisions under those instruments, including:
 - a. Region planning schemes
 - b. Local planning schemes
 - c. Improvement schemes
 - d. Interim development orders; and
 - e. Planning control areas.
3. Asset Management: primarily involving acquisition, management, and disposal of properties with region scheme and improvement plan areas.

4.3 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, section 16 of the Act allows the WAPC to delegate functions to any of its members, a committee, an employee, a public authority or officer of a public authority or a local government. Any resolution to delegate a function is to be published on the WAPC's webpage in an instrument (notice or register) of delegations.

Regular review of delegations and policies which inform decision making represents good governance.

4.4 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 in accordance with authorisation extended by the WAPC.

5. Conduct and Evaluation

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 Code of Ethics

A Code of Ethics refers to principles and standards for ethical behaviour and is outlined for WA public sector bodies and employees in the PSC [Commissioner's Instruction 40 - Ethical Foundations](#). This sets out the minimum standards of conduct and integrity relating to:

1. Integrity
2. Impartiality
3. Respect for others
4. Trust and accountability

It 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* including Board and committee members. It applies in addition to any Code of Ethics which may apply to individual members through any professional associations they belong to.

5.2 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.

Breach of the *Code of Conduct* may result in dismissal (in addition to any legal consequences which may arise under associated legislation).

5.3 Conflict of Interests and Disclosure

The requirement of members to disclose interests is defined in the WAPC *Code of Conduct* and *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 committees' functions is dependent upon the accountable and ethical decision making of members in applying the best interests of the

community before their own interests, and the perception of this occurring at all times⁴. 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.

5.4 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 (i.e.: knowledge of some prejudicial but inadmissible fact or circumstance).

5.5 Gifts, Benefits and Hospitality

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.

⁴ Australian Institute of Company Director's 'Company Directors Course' material (The Director Mindset e-learning 'Conflict of Interest' module, 2024)

The WAPC *Code of Conduct* prescribes the required conduct of members; and this is also reflected in the WAPC Policy on *Conflicts of Interests – Gifts, Benefits and Hospitality*.

5.6 Financial Disclosure

5.6.1 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, new Board and Statutory Committee members 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.

5.6.2 Annual Returns

Each year, members of the Board and Statutory Committee members 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.*

5.6.3 Related Party Disclosures (AASB 124)

Accounting Standard AASB 124 requires disclosure of summarised details about Key Management Personnel (which include WAPC and Executive, Finance and Property Committee members) remuneration and certain transactions with related parties. Key Matter Personnel 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.*

5.7 Training

To ensure members are aware of their obligations and positioned to undertake their roles knowledgeably, effectively, and responsibly, the WAPC is committed to:

1. Providing all new members, a comprehensive induction covering:
 - a. the content of this Charter
 - b. Accountable and Ethical Decision Making
 - c. Aboriginal and Torres Strait Islander cultural awareness (consistent with *Public Sector Commissioner's Instruction 29: Aboriginal and Torres Strait Islander Cultural Awareness Training*)
 - d. Conflict of Interest and Disclosure.
2. Requiring members 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. Undertaking regular skills assessments and providing additional training and / or refreshers as required.

Board members are also encouraged to undertake the Australian Institute of Company Directors (AICD) 'Company Directors Course' and expected to participate in ongoing professional development required to maintain any professional accreditation which supported their appointment.

5.8 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, 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.

6. Administration

6.1 Meeting schedule

The Board meets regularly in accordance with a schedule which is updated annually and published on the WAPC website. A special meeting of the Board may be convened by the Chairperson or any two members on reasonable notice (reg 14).

6.2 Meeting attendance and quorum

Members are provided with a calendar invitation detailing the date, time and location of meetings and the same details are published on the agenda. Should any of the meeting details change members will be advised as soon as possible. Members are expected to attend all meetings other than when on leave of absence approved by the Minister (reg 10) or, in relation to committee members, Chairperson. If a member is unable to attend a meeting, an apology must be submitted to the Chairperson (via Commission Support) as soon as possible as this ensures that quorum (effectively half the members of the WAPC or committee – reg 14) can be confirmed.

6.3 Meeting procedures

Meetings are conducted in accordance with the WAPC Regulations and *Meeting Procedures* approved by the Board. These set out the standards and rules for effective meetings with the Chairperson responsible for their execution. They are published on the WAPC website.

The Act and WAPC Regulations prescribe that meetings or component/s of meetings where the WAPC is making a statutory determination of a proposal is open to the public (other than under particular circumstances) – regs 17 and 28. Other matters are generally considered behind closed doors.

Agendas for Board and committee meetings are compiled by published by the WAPC Secretary in accordance with the *Meeting Procedures*. Reports on agenda items are prepared by DPLH staff and should contain sufficient information to enable the WAPC to make a decision. Members can, however, submit queries on items to DPLH via Commission Support who will arrange circulation of a written response and staff are available at meetings to provide further advice if needed. Briefings on complex matters are also regularly scheduled (and may be requested by members).

6.4 Public participation in meetings

Administrative law entitles a person to be heard before a decision is taken that could affect their rights of property. Providing opportunities for public participation in meetings can also support more

open and transparent governance. The WAPC's *Meeting Procedures* provide for public attendance and deputations on matters to be determined.

6.5 Legal advice

DPLH advises the WAPC with the support of a small in-house legal team. Board and committee members may also request legal advice from the State Solicitor's Office on matters presented to the Board or committees. This should be done either via resolution at a meeting or directly to the Chairperson with the costs incurred by the WAPC.

6.6 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. This is arranged through RiskCover.

6.7 Member Remuneration and expenses

Subject to certain exclusions outlined in the *Premier's Circular 2021/18: State Government Boards and Committees*, Board and committee members are eligible for a remuneration at a rate approved by the Minister on the advice of the Public Sector Commission. Exclusions include:

- Full time local, State and Australian Government employees
- Current or recent (within last 12 months) members of Parliament
- Current and retired judicial officers (except magistrates)
- Current non-academic employees of public academic institutions.

Travel and other expenses are managed in accordance with Government and joint DPLH policy which establish clear procedures and restrictions to ensure responsible public expenditure: to ensure requirements are met these should be discussed with Commission Support before any expenses are incurred by members.

References and Links

1. [WA Legislation website](#). Includes:
 - a. *Planning and Development Act 2005*
 - b. *Planning and Development (Western Australian Planning Commission) Regulations 2024*
 - c. *Public Sector Management Act 1994*
 - d. *Statutory Corporation (Liability of Directors) Act 1996*
 - e. *Public Interests Disclosure Act 2003*
 - f. *Integrity (Lobbyists) Act 2016*
 - g. *Financial Management Act 2006*
2. [WA Public Sector Commission publications](#). Includes:
 - a. [Governance Manual for WA Government Boards and Committees](#)
 - b. [Commissioner's Instruction 40: Ethical Foundations](#)
 - c. [Governance e-Learning for WA Boards and Committees](#)
 - d. [Commissioner's Instruction 29: Aboriginal and Torres Strait Islander Cultural Awareness Training](#)
3. WAPC – DPLH Service Charter
4. [WAPC Instruments of Delegation](#)
5. [WA Premier's Circulars](#): Includes:
 - a. [Premier's Circular 2023/02: State Government Boards and Committees](#)
6. [WAPC committees and Terms of Reference](#)
7. [WA Treasury's Financial Administration Bookcase](#): Includes:
 - a. Treasurers Instructions
8. [WAPC Strategic Plan](#)
9. [WAPC Annual Report](#)
10. [WAPC Publications](#): Includes:
 - a. WAPC Code of Conduct
 - b. WAPC Meeting Procedures
 - c. WAPC Policies
 - i. Administration Policies
 1. Conflict of Interest - Gifts, Benefits and Hospitality
 - d. Joint DPLH Policies
 - i. Media, Relations and Social Media
 - ii. Travel
11. [State Planning Framework](#): Includes:
 - a. [State Planning Policies and Planning Codes](#)
 - b. [Development Control and Operational Policies](#)
 - c. [Position Statements](#)
 - d. [Fact Sheets, Manuals and Guidance](#)

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Code of Conduct

Adopted: 26/06/2024

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 Commissioner's Instruction 40: Ethical Foundations](#) 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;
- adhering to applicable Public Sector Commissioner Instructions; 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 Leave of Absence requirements.

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 Expenses

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 applicable legislation, whole of government requirements and Board policies including:
 - 1...1. [Premier's Circular: 2023/02: State Government Boards and Committees](#); and
 - 1...2. [Premier's Circular 2021/02: Guidelines for official air travel by Ministers, Parliamentary Secretaries and Government Officers](#)

Engaging Consultants or Contractors

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

Recording 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;
- openly declare matters relating to an interest that may conflict, be perceived to conflict, or potentially conflict with our public duty;
- adhere to legislation, Board policies and procedures and the [Public Sector Commissioners' Instruction 16: Government Representative Contact with Registrants and Lobbyists](#)

Part 5 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 Committee to represent their employer.
- that when conducting the business of the 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.

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*.

Other Information

- WAPC Meeting Procedures Part 5 Disclosures of Interest
- WAPC Conflict of Interest – Gifts, Benefits and Hospitality Policy.

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Meeting Procedures

Adopted: 26/06/2024

WAPC MEETING PROCEDURES

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Preamble

The Western Australian Planning Commission (WAPC) is a body corporate with perpetual succession established under the *Planning and Development Act 2005* (the Act) and charged with significant responsibility for integrated land use planning within Western Australia.

The WAPC is governed by a Board which is supported by a number of committees, some prescribed under the Act ('Statutory Committees') and others enabled by it ('Additional Committees').

The operations of the Board and committees are governed by the Act and associated *Planning and Development (Western Australian Planning Commission) Regulations 2024* ('WAPC Regulations'). These specify that:

- the Board must adopt written procedures governing its meetings which are published on its website and which it follows (Regulation 13); and
- the Board may determine the procedures of a committee of the WAPC and direct the committee to follow those procedures, which the committee must then effect (Regulation 23).

The purpose of these Meeting Procedures is to meet these requirements and define the routine procedures to be followed by the Board and its committees in the conduct of their meetings.

1. Preliminary

1.1 Title

1. This document may be cited as the *Western Australian Planning Commission Meeting Procedures 2024*.
2. In the clauses to follow, this document is referred to as the "Meeting Procedures".

1.2 Application and intent

1. These Meeting Procedures provide the protocols for the conduct of meetings of the Board and Committees of the WAPC.
2. All meetings of the WAPC and its Committees are to be conducted in accordance with the Act, the WAPC Regulations, and these Meeting Procedures (as amended by any Terms of Reference adopted by the Board which may vary the procedures applicable to specific committees).
3. These Meeting Procedures are intended to result in:
 - a. Greater public access to WAPC decision-making processes;
 - b. Effective decision making by the WAPC and its Statutory Committees;
 - c. The orderly and efficient conduct of meetings;
 - d. Better understanding of the process of conducting a meeting; and
 - e. More efficient and effective use of time at meetings.
4. For ease of reference and use, key clauses of the WAPC Regulations and the Act are noted in the Meeting Procedures: They do form part of the Meeting Procedures and are provided for convenience only.

1.3 Interpretation

1. In the Meeting Procedures –

<ul style="list-style-type: none"> ▪ Absolute Majority 	<p>(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</p> <p>(b) in relation to a Committee, means more than half the votes of the total number of mandatory appointed Members of the Committee, whether they are present or not, as opposed to a Simple Majority.</p>
<ul style="list-style-type: none"> ▪ Act 	means the Planning and Development Act 2005
<ul style="list-style-type: none"> ▪ Additional Committee 	means a committee of the WAPC not prescribed by legislation
<ul style="list-style-type: none"> ▪ Board 	means the Board of management of the WAPC established under the Act;
<ul style="list-style-type: none"> ▪ Chairperson 	means the Chairperson of the Board or person acting in that role;
<ul style="list-style-type: none"> ▪ Chairperson of the Board or Committee 	Means the Chairperson of the Board or the Committee Chairperson or person acting in that role and, in the context of a meeting, presiding at that meeting
<ul style="list-style-type: none"> ▪ Committee 	means a Committee of the WAPC established under the Act;
<ul style="list-style-type: none"> ▪ Committee Chairperson 	means the Chairperson of the Committee or person acting in that role;
<ul style="list-style-type: none"> ▪ WAPC 	means the Western Australian Planning Commission;
<ul style="list-style-type: none"> ▪ Department 	means the Department of Planning, Lands and Heritage (DPLH);
<ul style="list-style-type: none"> ▪ 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;
<ul style="list-style-type: none"> ▪ Deputy Chairperson 	means a Deputy Chairperson of the Board or the Deputy Committee Chairperson or person acting in that role;
<ul style="list-style-type: none"> ▪ Employee 	means a person employed by the Department to support the WAPC to undertake its functions;
<ul style="list-style-type: none"> ▪ <i>En-bloc</i> 	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.
<ul style="list-style-type: none"> ▪ Invited observer 	means a public servant, local government representative, consultant, advisor or other person specifically invited to attend a Board or Committee meeting with a view to supporting deliberations.
<ul style="list-style-type: none"> ▪ 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;
<ul style="list-style-type: none"> ▪ Member 	means – (a) in relation to the Board, a Member of the Board; (b) in relation to a Committee, a Member of a Committee;
<ul style="list-style-type: none"> ▪ Minister 	means the Minister responsible for administering the Act;
<ul style="list-style-type: none"> ▪ Presentation 	means a briefing at a Board or Committee meeting;
<ul style="list-style-type: none"> ▪ Substantive 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"> ▪ Secretary 	means the Secretary of the WAPC appointed under the Act;
<ul style="list-style-type: none"> ▪ Simple Majority 	means more than 50% of Members present and entitled to vote and may include a casting vote made by the Chairperson or Committee Chairperson;
<ul style="list-style-type: none"> ▪ Statutory Committee 	means a Committee of the WAPC prescribed in legislation
<ul style="list-style-type: none"> ▪ Revocation Motion 	means a motion to revoke or change a decision made at a Board or Committee meeting;

<ul style="list-style-type: none"> ▪ Urgent Business 	means business dealt with in accordance with clause 4.12 of the WAPC Meeting Procedures;
<ul style="list-style-type: none"> ▪ WAPC Regulations 	means the <i>Planning and Development (Western Australian Planning Commission) Regulations 2024</i>

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 and the WAPC Regulations.

2. Meetings

2.1 Ordinary and special Board meetings

Ordinary and special Board meetings are dealt with in the WAPC Regulations.

Note: Regulation 14 (1) and (2) as follows:

14 Board meetings

- (1) *Meetings of the board are to be held at the times and places the board determines.*
 - (2) *However, a special meeting of the board may, on reasonable notice to all members, be convened by —*
 - (a) *the chairperson; or*
 - (b) *any 2 members....*
1. An ordinary meeting of the Board is for the purpose of considering and dealing with the ordinary business of the WAPC.
 2. 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.
 3. A call for a special meeting must be made in a written notice to the Secretary, setting out the date and purpose of the proposed meeting.

2.2 Ordinary and special Committee meetings

1. 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 relevant to the purpose for which the Committee is established by the Board.
2. A special meeting of the Committee is held for the purpose of considering and dealing with WAPC business relevant to the purpose for which the Committee is established by the Board that is urgent, complex in nature or for a particular purpose.
3. A meeting of a Committee is to be held —
 - a. In the case of a special meeting, if called for in a written notice to the Secretary by the Chairperson of the Board or Committee, setting out the date and purpose of the proposed meeting; or
 - b. In the case of an ordinary meeting, as so decided by the Board or Committee.

2.3 How ordinary and special meetings are convened

1. Subject to subclause (2) the Secretary is to convene an ordinary or special meeting of the Board or Committee by giving each Member at least three business days' notice of the date, time, place and an agenda for the meeting.
2. Where in the opinion of the Chairperson or, in relation to a Committee, the Committee 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 subclause (1).

2.4 Who presides at Board meetings

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

Note: Regulations 10, 11 (c), 12 (1) (b) and 14 (3) and (4) as follows:

11. Role of the chairperson of the board

It is the role of the chairperson of the board to do the following:

(c) chair meetings and develop agendas for meetings....

12. Role of the deputy chairpersons of board

(1) It is the role of a deputy Chairperson of the board to do the following:.....

(b) if the chairperson is unable to act because of sickness, absence or other cause — act in the chairperson's place.

10. Leave of absence of board members

(1) The Minister may grant leave of absence to the chairperson of the board on any terms and conditions the Minister thinks fit.

(2) Without limiting subregulation (1), the Minister may specify which deputy chairperson (if there is more than 1) is to act in the chairpersons place while the chairperson is absent...

14. Board meetings....

(3) The chairperson must preside at all meetings of the board at which the chairperson is present.

(4) If neither the chairperson or any deputy chairperson is present, the members present must appoint a member to preside..

1. Where the Minister has not specified which Deputy Chairperson is to act under Regulation 10 (2), the Board shall determine which is to act in the Chairperson's place.

2.5 Who presides at Committee meetings

Who presides at a Committee meeting is dealt with in the WAPC Regulations.

Note: Regulations 32 and 33 as follows:

32. Role of chairperson of committee

(1) It is the role of the chairperson of a committee of the Commission to do the following:

(c) chair meetings and develop agendas for meetings....

(2) The chairperson of a committee is —

(a) the member of the committee appointed by the Commission to be the chairperson; or

(b) if the Commission does not appoint a chairperson – the member appointed by the committee to be the chairperson.

(3) If at least 1 member of the committee is a member of the board, the committee can only appoint a member of the board to be the chairperson of the committee.

33 Role of the deputy chairpersons of committee

- (1) *It is the role of a deputy chairperson of a committee of the Commission to do the following:.....*
 - (b) *if the chairperson is unable to act because of sickness, absence or other cause — act in the chairperson's place.*
- (2) *The deputy chairperson of a committee is —*
 - (a) *a member of the committee appointed by the Commission to be a deputy chairperson; or*
 - (b) *if the Commission does not appoint a deputy chairperson — a member appointed by the committee to be the deputy chairperson.*
- (3) *If at least 1 member of the committee is a member of the board and not the chairperson of the committee, the committee can only appoint a member of the board to be the deputy chairperson of the committee.*

3. Quorum

3.1 Quorum for meetings

The quorum for Board meetings is dealt with in the WAPC Regulations.

Note: Regulation 14 (5) as follows:

...The quorum for a meeting of the board is —

- (a) *if the board consists of 9 members – 5 members; or*
- (b) *otherwise – 4 members*

1. Subject to subclause (2) 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.
2. Terms of Reference for an Additional Committee approved by the Board may vary the quorum for that Committee.

3.2 Quorum to be present

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

3.3 Remote attendance

Remote attendance at meetings of the Board is dealt with in the WAPC Regulations.

Note: Regulation 15 as follows:

15. Presence at board meeting — remote attendance

The presence of a person at a meeting of the board need not be by attendance in person but may be by that person and each other person at the meeting being simultaneously in contact by telephone or other means of instantaneous communication.

1. Remote attendance at meetings of Committees may occur in the same manner as applies to the Board.

3.4 Loss of quorum during a meeting

If at any time during a meeting a quorum is not present:

1. The Chairperson of the Board or Committee may delay or suspend the proceedings of the meeting for a period of up to one hour;

2. If a quorum is still not present at the expiry of the period of delay or suspension, the Chairperson of the Board or Committee must adjourn the meeting to another time specified.

3.5 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 3.4, the names of the Members then present are to be recorded in the minutes of the meeting.

4. Business of a Meeting

4.1 Business to be specified in agenda

1. No business is to be transacted at any ordinary meeting of the Board or Committee other than that specified in the agenda without the approval of the Chairperson or a decision of the Board or Committee.
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 Committee, when the business unresolved at the adjourned meeting is to be the first business under the relevant heading to be considered at that ordinary meeting.

4.2 Withdrawal of Reports

1. The Chairperson of the Board or Committee may withdraw an item or report listed in the agenda at any time prior to the commencement of the meeting.
2. Where requested to do so by a Member of the Board or Committee at the meeting, the Chairperson must provide a reason for the withdrawal and this is to be recorded in the minutes.

4.3 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.

4.4 Order of business

1. Unless otherwise decided by the Chairperson of the Board or Committee, the order of business at an ordinary meeting of the Board or Statutory Committee is to be substantially as follows:
 - (a) Meeting opening and commencement;
 - i. Acknowledgement of Country
 - ii. Apologies and leave of absence
 - iii. Disclosure of interests
 - iv. Declaration of due consideration
 - v. Previous minutes

- Confirmation
 - Matters arising
- (b) Deputations and Presentations;
 - (c) Non-confidential items for discussion, decision or noting;
 - (d) Confidential items for discussion, decision or noting;
 - (e) Urgent or other business;
 - (f) Meeting conclusion and closure.
2. Unless otherwise decided by the Chairperson of the Board or Committee, the order of business at any special meeting of the Board or Committee is to be the order in which that business stands in the agenda of the meeting.
 3. Additional Committees may determine their own order of business within any parameters set by the legislation and the direction of the Board (including within Terms of Reference approved by the Board).

4.5 Leave of absence

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

Note: Regulation 10 as follows:

10 Leave of absence

(1) The Minister may grant leave of absence to the chairperson of the board on such terms and conditions as the Minister thinks fit.....

(3) ...the chairperson may grant leave of absence to any other member of the board on any terms and conditions the chairperson thinks fit.

1. Committee Members are to advise the relevant Committee, either in writing via the Secretary or verbally at a meeting of the Committee when they will be unable to attend a future meeting.
2. The dates of the leave of absence are to be recorded in the minutes of the meeting.

4.6 Declaration of due consideration

1. Any Member who is not familiar with the substance of any report (including attachments referenced in the recommendation) 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 subclause (1) the Chairperson of the Board or Committee may either adjourn the meeting for up to one hour or defer the relevant matter 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 subclause (2) has not allowed sufficient time for the Member to give due consideration to the matter, the Member is excluded from the meeting and is not to participate in discussions and the decision-making procedures relating to the matter.

4.7 Confirmation of minutes

1. The minutes of a meeting of a Board or Committee are to be submitted to the next ordinary meeting of the Board or Committee, as the case requires, for confirmation.

2. 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.
3. The Chairperson of the Board or Committee at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation.
4. When minutes are being confirmed, discussion is not to be permitted other than discussion as to their accuracy as a record of the proceedings.

4.8 Announcements by the Chairperson of the Board or Committee

At any meeting of the Board or Committee the Chairperson of the Board or Committee may announce or raise any matter of interest or relevance to the business of the Board or Committee or make a statement for the benefit of observers.

4.9 Deputations and Presentations

1. Applications to make a verbal or written Deputation or Presentation to Board or Committee meeting are to be made in writing using the form available on the WAPC webpage and lodged no later than 9:30am two business days prior to the commencement of the meeting.
2. All requests for Deputations and Presentations are subject to approval by the Chairperson of the Board or the Committee, who may impose a time limit on any approval. The Chairperson may delegate the approval of Deputations to the Secretary or Deputy Chairperson.

4.10 Closure of a meeting to consider confidential items

The closure of meetings is dealt with in the WAPC Regulations.

Note: Regulations 18 and 27 as follows:

18 Board may decide to close a meeting,

(1) The board may decide to close a meeting or part of a meeting, to members of the public.

(2) A decision to close a meeting, or part of a meeting, and the reason for the decision are to be recorded in the minutes of the meeting

27 Committee may decide to close meeting

(1) A committee of the Commission may decide to close a meeting, or part of a meeting, to members of the public.

(2) A decision to close a meeting, or part of a meeting, and the reason for the decision are to be recorded in the minutes of the meeting.

1. If a motion to close a meeting is carried —
 - (a) the Chairperson of the Board or Committee is to direct everyone to leave the meeting except -
 - (i) the Members; and
 - (ii) any officer or other persons specified by the Chairperson of the Board or Committee; and

- (b) the meeting is to be closed until, at the conclusion of the matter/s justifying the closure of the meeting to the public, the Board or Committee, by resolution, decides otherwise.
- 2. A person who fails to comply with a direction under subclause (2) (a) may, by order of the Chairperson of the Board or Committee, be removed from the meeting.

4.11 Motions of which previous notice has been given

- 1. Unless the Act, WAPC Regulations, or these Meeting Procedures otherwise provide, a Member may raise for consideration 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 subclause (1) is to be in writing and given at least four business days before the meeting at which the motion is to be moved.
- 3. A notice of motion must relate to a function of the Board or the purpose of the Committee as applicable.
- 4. The Chairperson of the Board or Committee —
 - (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 subclause (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 and it is seconded; or
 - (b) The Board or Committee resolves to defer consideration of the motion to a later stage or date.
- 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 Substantive Motion.
- 9. 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.

4.12 Urgent or other business

1. At any ordinary 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 under “Urgent or other business”.
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 of the Board or Committee has first consented to the business being raised because they consider 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; or
 - (c) the matter is of a nature which makes it unnecessary and impractical to await inclusion in the agenda for the next meeting.
4. 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.

4.13 Conclusion and Closure

At the conclusion of all business or when otherwise determined by the meeting, the Chairperson of the Board or Committee may make or invite concluding remarks and is to declare the meeting closed and the closing time is to be recorded in the minutes of the meeting.

5. Disclosure of interests

Note: Conflicts of interest need to be considered within an ethical framework that requires Members to act with integrity, impartiality, in good faith and in the best interests of the Board. 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. 40: Ethical Foundations](#).

5.1 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 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 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.
9. **"Closely associated persons"** means a person 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.

5.2 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.

5.3 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.

5.4 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 before the matter is discussed.
2. If a Member has disclosed an interest in subclause (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 Chairperson of the Board or Committee; and
 - (b) at the meeting the Chairperson of the Board or Committee 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 subclause (1) must not —
 - a. Preside at or be present during any consideration or discussion of the matter; or
 - b. vote on the matter.

5.5 Invitation to return to provide information

1. Where a Member has disclosed an interest in clause 5.3 or clause 5.4, and has departed from the meeting room, the Chairperson of the Board or Committee 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 subclause (1) must withdraw after providing the information.

5.6 Disclosure by Board members who are observers at Committee meetings

The obligation to disclose an interest in clause 5.3 or clause 5.4 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.

5.7 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 of the Board or Committee before the meeting; or
 - (b) at the meeting before the matter is discussed.
2. Subclause (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 subclause (1)(a), a Member discloses an impartiality interest in a written notice before a meeting then at the meeting the Chairperson of the Board or Committee is to bring the notice and its contents to the attention of the Members present before a matter to which the disclosure relates is discussed.
4. If —
 - (a) under subclause (1)(b) or (2)(b) a Member's impartiality interest in a matter is disclosed at a meeting; or
 - (b) under subclause (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 subclause (6) a Member who makes a disclosure under subclause (1) must not —
 - (a) Preside at or be present during any consideration or discussion of the matter; or
 - (b) vote on the matter.
6. If a Member has disclosed, under subclause (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 (including voting) 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 and decision making relating to a matter resolved by the Board or Committee.

5.8 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 5.7.
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.
3. Where a Member has had contact with a lobbyist, the Member is to 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 and declaring it as a Disclosure of representation.

5.9 Ongoing 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.

6. Questions by Members

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 of the Board or Committee.
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) listed 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.

7. Conduct of Members

Note: The obligations of Members in the performance of their duties on the Board or 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 further addressed in material such as the [Public Sector Commissioner's Governance Manual for Western Australian Government Boards and Committees](#) and [Public Sector Commissioner's Instruction No. 40: Ethical Foundations](#) and elaborated upon in the WAPC Code of Conduct.

7.1 Obligations of Members

1. Ethical behaviour is required of all Members at Board and Committee meetings, official visits and at events where they represent the WAPC. Specifically, Board and Committee Members shall:
 - a. Act with care and diligence and make decisions that are honest, fair, impartial, and timely, and consider all relevant information.
 - b. Treat people with respect, courtesy and sensitivity and recognise their interests, rights, safety and welfare.
 - c. Otherwise abide by any Code of Conduct adopted by the Board.

7.2 Members not to interrupt

A Member must not interrupt another Member while speaking unless —

1. to raise a point of order;
2. to call attention to the absence of a quorum; or
3. to move a procedural motion that the Member be no longer heard.

7.3 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.

7.4 Offensive language

A Member must not use offensive or objectionable expressions in reference to any Member, Employee, or other person.

7.5 Direction to withdraw

A Member who, in the opinion of the Chairperson of the Board or Committee and in the absence of a resolution under clause 7.3(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 of the Board or Committee, withdraw the reflection, imputation or expression and make a satisfactory apology.

7.6 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 of the Board or Committee; and
2. when invited by the Chairperson of the Board or Committee to speak, must address the meeting through the Chairperson of the Board or Committee.

7.7 Priority of speaking

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

7.8 The Chairperson may take part in debates

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

7.9 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 of the Board or Committee, 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 of the Board or Committee under subclause (2) by immediately ceasing to speak.

7.10 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 10.2 or 10.3.

8. Preserving Order

8.1 Chairperson to preserve Order

1. The Chairperson of the Board or Committee is to preserve Order and, whenever they consider it necessary, may call any Member or other person to Order.
2. When the Chairperson of the Board or Committee 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.

8.2 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 or the Meeting Procedures provided that the Member making the point of order states the written law or clause believed to be breached.

8.3 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 of the Board or Committee including interrupting the speaker.
2. Any Member who is speaking when a point of Order is raised in subclause (1) is to immediately stop speaking while the Chairperson of the Board or Committee 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.

8.4 Continued breach of order

If a Member —

1. persists in any conduct that the Chairperson of the Board or Committee had ruled is out of Order; or
2. fails or refuses to comply with a direction from the Chairperson of the Board or Committee, the Chairperson of the Board or Committee 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.

8.5 Chairperson may adjourn meeting

1. For the purpose of preserving or regaining Order, the Chairperson of the Board or Committee 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 of the Board or Committee 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.

9 Substantive Motions and Amendments

9.1 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, excluding the following, if any —

1. recommendations on which any Member has indicated the wish to debate;
2. reports on which any Member has indicated the wish to ask a question or to raise a point of clarification;

3. reports or recommendations on which Members present have declared a direct or indirect pecuniary, or proximity interest in;
4. reports or recommendations on which Members present have declared an impartiality interest unless a prior decision has been made under clause 5.7 (6) permitting the Member to participate in deliberation and voting on the matter.

9.2 Motions

1. A Member who wishes to move a Substantive Motion, or an amendment to a Substantive Motion is to state the substance of the motion before speaking to it;
2. The Chairperson of the Board or Committee may require that a complex Substantive Motion, or an amendment to a Substantive 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.

9.3 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.

9.4 Unopposed motions

1. Immediately after a motion has been moved and seconded, the Chairperson of the Board or Committee may ask the meeting if any Member opposes it.
2. If no Member opposes the motion, the Chairperson of the Board or Committee may declare it carried without debate and without taking a vote.
3. A motion carried under subclause (2) is to be recorded in the minutes as a unanimous decision of the Board or Committee.
4. If a Member opposes a motion, the motion is to be dealt with according with Part 12 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.

9.5 One substantive motion at a time

The Board or Committee is not to accept a substantive motion while another substantive motion is being debated.

9.6 Order of call in debate

1. The Chairperson of the Board or Committee 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 or 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.

9.7 Limit of debate

The Chairperson of the Board or Committee 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.

9.8 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.

9.9 Amendments

1. A Member may move an amendment to a Substantive Motion at any time during debate on the motion, except;
 - (a) if the mover has been called by the Chairperson of the Board or Committee 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 Motion to which it is moved and must not have the effect of negating the Substantive Motion.
3. An amendment to a Substantive 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. An amendment must be read by the mover before being seconded.
5. 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 Substantive Motion is put to the vote.
6. Where an amendment is carried, the original Substantive Motion as amended becomes the Substantive Motion.

9.10 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.

9.11 Withdrawing motions

1. The Chairperson of the Board or Committee may, without debate, accept the withdrawal of a substantive motion or amendment at the request of the mover, with the consent of the seconder if there is no opposition from any other member, and no Member is to speak on it after it has been withdrawn.
2. If an amendment has been proposed to a Substantive Motion, the Substantive Motion cannot be withdrawn, except by consent of the majority of Members, until the amendment proposed has been withdrawn or lost.

9.12 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.

9.13 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.

10. Revocation Motions

10.1 Requirements to revoke or change decisions

1. If a decision has been made at a Board or Committee meeting, then any motion to revoke or change the decision must be supported 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.

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 a reason or reasons for the decision to be revoked or changed.
2. If the Chairperson of the Board or Committee receives notice of a Revocation Motion to revoke a decision made at a meeting before the close of that meeting, the Chairperson is to raise it as an item of Urgent or Other Business and:
 - (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 Committee must give the Secretary written notice of the Revocation Motion at least four business days' prior the meeting, which is to —

1. specify the decision proposed to be revoked or changed;
2. include a reason or reasons for the Revocation Motion;
3. be supported by the number of Members required under clause 10.1;
4. specify the date of the ordinary or special meeting of the Board or the Committee where it is to be presented; and
5. be given to the Secretary in accordance with the notice of motion provisions in clause 4.11.

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 of revocation or change has been dealt with.

11. Procedural Motions

11.1 Permissible procedural motions

1. In addition to the right to move an amendment to a Substantive Motion, a Member may move any of the following procedural motions —
 - a. that the motion be deferred;
 - b. that the meeting now adjourn;
 - c. that the motion be now put;
 - d. that the ruling of the Chairperson of the Board or Committee be disagreed with;
 - e. that the Member be no longer heard;
 - f. that the item be referred back to the (appropriate) Committee or a future meeting;
 - g. that the meeting be closed to members of the public.
2. A procedural motion requires a seconder.
3. Chairperson of the Board or Committee must put a procedural motion which is raised by asking if there is any dissent to the procedural motion.
4. If the Chairperson of the Board or Committee rules that there is no dissent, then the procedural motion is carried.
5. If there is dissent to the procedural motion, the motion must immediately be put for a decision by a Simple Majority.
6. A ruling by the Chairperson of the Board or Committee on a procedural motion:
 - a. must not be the subject of debate or comment; and
 - b. is to be final unless the majority of members then present and voting dissent from the ruling.

11.2 Who may move

A Member who has moved, seconded, or spoken for or against the Substantive Motion, or any amendment to the Substantive Motion, cannot move any procedural motion which, if carried, would close the debate on the Substantive Motion or amendment

11.3 Procedural motions - right of reply on Substantive Motion

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

11.4 The motion be deferred - effect of motion

1. If a motion “that the motion be deferred” is carried, then all debate on the Substantive 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.

11.5 The meeting now adjourn - effect of motion

1. 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 of the Board or Committee declares, or to the next ordinary meeting.

2. Where debate on a motion is interrupted by an adjournment under subclause (1) the debate is to be resumed at the date and time specified as required in subclause (1) and at the point where it was so interrupted
3. 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.
4. A Member must not, at the same meeting, move or second more than one motion for the adjournment of the meeting.

11.6 The motion be now put - effect of motion

1. If a motion “that the motion be now put” is carried during discussion of a Substantive Motion, the Chairperson of the Board or Committee 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 Chairperson of the Board or Committee 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.

11.7 Member to be no longer heard – effect of motion

If a motion “that the member be no longer heard” is carried, the speaker against whom the motion has been moved cannot speak further on the current Substantive Motion, or any amendment relating to it, except to exercise the right of reply if the speaker is the mover of the Substantive Motion.

11.8 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 Substantive Motion and any amendment is to cease and the Substantive Motion, excluding any amendment, is to be referred back to the appropriate Board or Committee for further consideration.
2. If the motion in subclause (1) is lost, debate on the Substantive Motion or amendment is to continue.

12. Voting

12.1 Voting

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

Note: Regulation 14 states:

...(5) Questions arising at a meeting of the Board must be decided, in

open voting, by a majority of the votes of Members present.

- (6) *If the votes of Members present at a meeting are equally divided, the person presiding has a casting vote in addition to a deliberative vote.*

1. Questions arising at meetings of Committees shall be decided in the same manner as applied to the Board unless otherwise specified in Terms of Reference for Additional Committees approved by the Board.
2. If a Member of the Board or Committee specifically requests that there be recorded —
 - (a) his or her vote; or
 - (b) the vote of all Members presenton a matter voted on at a meeting of the Board or Committee, the Chairperson of the Board or Committee is to cause the vote or votes, as the case may be, to be recorded in the minutes.

12.2 Motion – when put

Immediately after the debate on any question is concluded and the right of reply has been exercised, the Chairperson of the Board or Committee —

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.

12.3 Method of taking vote

1. The Chairperson of the Board or Committee, in taking the vote on any motion, -
 - (a) is to put the motion, first in the affirmative
 - (b) may, if necessary, put the motion in the negative;
 - (c) may put the motion as often as necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes; and
 - (d) must declare the result of the vote.
2. 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.
- 3.

12.4 Resolution outside Board and Committee meeting

Resolutions by the Board without a meeting are dealt with in the WAPC Regulations.

Note: Regulation 20 of the Regulations:

Resolution outside board meetings

- (1) *This regulation applies to a written resolution that —*
- (a) *is given to all board members with a notice stating that the resolution is to be determined at a particular time and date (the voting deadline) that is at least 7 days from the resolution being given; and*

- (b) *at the voting deadline has been assented to in writing by at least —*
 - (i) *if the board consists of 9 members – 5 members; or*
 - (ii) *otherwise – 4 members; and*
 - (c) *at the voting deadline, no member has voted against in writing.*
 - (2) *The resolution is as effective as if it had been passed at a meeting of the board.*
 - 1. Resolutions by Committees without a meeting are to follow the same procedures as apply to the Board and require a written resolution supported by an Absolute Majority of Committee Members with no dissent by the voting deadline.

12.5 Reasons for Decisions

- 1. Where the Board or Committee adopts a recommendation contained in a report, the reasons for the decision are taken to be as outlined in the report unless otherwise resolved.
- 2. Where a motion, if carried, would be significantly different from the relevant written recommendation in a report, the reason for the decision is to be stated by the mover and recorded in the minutes of the meeting.

13. Minutes

Minutes of Board and Committee meetings are dealt with in the WAPC Regulations.

Note: Regulations 16 and 25 as follows:

16 Minutes of board meetings

- (1) *The board must keep minutes of the proceedings of each of its meetings...*

25 Minutes of committee meetings

- (1) *a committee must —*

- (a) *keep minutes of the proceedings at each of its meetings.*

- (b) *give the minutes to the Commission –*

- (i) *within the time, after the meeting, determined by the Commission; or*

- (ii) *if no time is determined by the Commission, within a reasonable time after the meeting.*

13.1 Content of Minutes

- 5. The content of minutes of a meeting of the Board or Committee is to include —
 - (a) the name of the Board or Committee and the type of meeting.
 - (b) the date, time and location at which the meeting occurred;
 - (c) the names of the Members present at the meeting, whether they were physically present or virtually present and who presided;
 - (d) invited attendees present;
 - (e) apologies and leave of absence;
 - (f) disclosures of interest including type of interest, where the extent of the interest has also been disclosed, the extent of the interest, and any decision under clause 5.7 (6).

- (g) materials distributed before and during the meeting.
- (h) the proceedings of the meeting and resolutions made including
 - details of each motion moved at the meeting, the mover, the seconder, the outcome of the motion and the name of any member requesting that their name be recorded against;
 - written reasons for each decision made at the meeting that is significantly different from the recommendation in the report presented;
 - when 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;
 - Any adjournments
- (i) time meeting closure; and
- (j) any other information specified as required to be included in minutes in these Meeting Procedures.

13.2 Publication of Unconfirmed Minutes

The Secretary must publish or provide to Members the unconfirmed minutes of each Board and Committee meeting within ten working days after the meeting.

14. Public access to agendas, minutes and meetings

14.1 Public attendance at Board or Committee meetings

Public access to meetings of Board and Committee are dealt with in the Act and WAPC Regulations as follows:

s. 171ZB (Part 11B) Meetings to be open to the public

(1) A meeting of the board, or of a committee of the Commission, that is held for the purpose of the Commission's consideration or determination of a significant development application, or an application under section 171X, must be open to the public.

(2) the requirements in subsection (1) is satisfied if members of the public can observe the meeting using audiovisual communication.

(3) Subsection (1) does not apply to a meeting, or part of a meeting, that deals with a matter of a kind prescribed by Part 11B regulations for the purposes of this subsection.

Regulation 17 Certain board meetings to be open to public

(1) A meeting of the board that is held for the purpose of considering any of the following must be open to the public —

- (a) determination of a development application.....;*
- (b) approval of development in a planning control area.....;*
- (c) approval of the subdivision of land....*
- (d) endorsement of a local planning strategy;*
- (e) agreement with a recommendation in a local government's report on a review of a local planning scheme;*
- (f) approval of a local planning policy;*
- (g) approval of a structure plan;*

- (h) approval of a local development plan.
- (2) The requirement of subregulation (1) is satisfied if members of the public can observe the meeting using audiovisual communications.
- (3) Despite subregulation (1), a board meeting, or a part of a board meeting may be held without being open to the public if, because of technological failure beyond the control of the Commission, the public cannot observe the meeting or part (as the case requires) using audiovisual communication.
- (4) Subregulation (1) does not apply to an excluded meeting.

Regulation 18 Board may decide to close a meeting

- (1) the board may decide to close a meeting, or part of a meeting, to members of the public,
- (2) A decision to close a meeting... and the reasons for the decision are to be recorded in the minutes of the meeting.

Regulation 26 Certain committee meetings to be open to the public

- (1) a meeting of a committee to which the Commission delegates any function must be open to the public.
- (2) The requirement in subregulation (1) is satisfied if members of the public can observe the meeting using audiovisual communication....
- (4) Subregulation (1) does not apply to an excluded meeting.

Regulation 4 – Excluded meetings

- (1) For the purposes of these regulations, an excluded meeting, of the board or of a committee of the Commission, is
 - b) a meeting, or part of a meeting, that the board or committee (as the case requires) decides to close to members of the public.
 - c) a meeting, or part of a meeting, that deals with matters of a kind referred to in subregulation 2) [relating to legal advice, commercially sensitive information or matters relating to contravention of the law, security and safety]

Regulation 37 Executive, Finance and Property Committee meetings not required to be open to public

- (1) A meeting of the Executive, Finance and Property Committee is not required to be open to the public.
- (2) This regulation applies despite regulation 26 (1).

1. A Member of the public may attend a Board or Committee meeting that is open to the public.
2. The Secretary shall publish details of which meetings or components of meetings are anticipated to be open to the public open to the public and how to attend on the WAPC website. This:
 - a. May limit public attendance to audio-visual attendance where in-person attendance is impractical or undesirable in the opinion of the Chairperson or Committee Chairperson, or the Secretary;
 - b. May limit in-person public attendance and require prior registration and approval; and
 - c. Shall provide details of the digital application or website link through which members of the public may view and listen to proceedings.
3. Members of the public attending a Board or Committee meeting do so as observers and may not speak except during a Deputation approved under clause 4.9 or when invited to do so by the Chairperson of the Board or Committee.

14.2 Public access to agendas and confidentiality

1. An abridged version of the agenda of any Board or Committee meeting or part of a meeting that is anticipated to be open to the public are to be published to the WAPC website on the same date as the agenda is provided to Members clause 2.3.
2. The abridged agenda is to exclude details of any matters which the Chairperson or Committee Chairperson believes are or are likely to be deemed excluded matters and which should remain confidential typically including:
 - a. Matters in which the WAPC is providing advice to the Minister, Government or Governor;
 - b. Strategic and policy matters (other than local government strategies and policies);
 - c. Governance, property acquisition, compensation and disposal, and administrative matters;
 - d. Matters involving legally or commercially sensitive information including:
 - i. a matter affecting an employee or employees;
 - ii. the personal affairs of any person;
 - iii. a contract entered into or which may be entered into by the WAPC and which relates to a matter to be discussed at the meeting;
 - iv. legal advice obtained or which may be obtained by the WAPC;
 - v. a matter that if disclosed, would reveal —
 - trade secret;
 - information that has a commercial value to a person; or
 - 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;
 - vi. a matter that if disclosed, could be reasonably expected to —
 - impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - endanger the security of government property; or
 - prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
 - vii. 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.*
 - e. such other matters as may be prescribed in these Meeting Procedures.
3. Notwithstanding subclause 2, the abridged agenda may include a summary of the key issues on which a confidential report focusses where considered appropriate by the Chairperson or Committee Chairperson taking into account the level of public interest in the matter and a general objective of increased transparency weighed against any potential impact on efficient, effective

and responsible decision-making. Matters for which a summary of key issues would typically be published include:

- a. Consent to advertise policies and structure plans not requiring referral to the Minister, Government or Governor;
- b. Initiation of Non-Minor Amendments to Region Schemes;
- c. Reports on submissions on planning proposals, schemes, amendments and strategic and policy matters requiring referral to the Minister, Government or Governor following public consultation.

14.3 Public access to Minutes

Public access to minutes of meetings is dealt with in the WAPC Regulations.

Note: WAPC Regulations 16 (2 and 3) and 25 (2) as follows:

16 Minutes of board meetings

- ... (2) *The Commission must make the minutes publicly available on the Commission's website*
- (3) *Subregulation (2) does not apply to minutes of an excluded meeting.*

25 Minutes of committee meetings

- ... (2) *The Commission must make the minutes of a meeting of the committee to which the Commission delegates any function publicly available on the Commission website.*
- (3) *Subregulation (2) does not apply to minutes of an excluded meeting.*

1. The minutes of any Board or Committee meeting required to be published on the WAPC website are to be an abridged version of the full minutes excluding excluded (confidential) matters and are to be published within 10 working days after the meeting.

14.4 Recording of meetings

Recording of meetings is dealt with in the WAPC Regulations.

Note: Regulation 19 and 28 as follows:

19 Recording of board meetings

- (1) *A person must not make or publish an audio or visual recording of a meeting of the board.*

Penalty for this subregulation: a fine of \$10,000

- (2) *Subregulation (1) does not apply to the Commission*

28 Recording of committee meetings

- (1) *A person must not make or publish an audio or visual recording of a meeting of a committee of the Commission board.*

Penalty for this subregulation: a fine of \$10,000

- (2) *Subregulation (1) does not apply to the Commission*

1. The Secretary shall, where practical (and in the absence of any technological failing), publish recordings of the component of meetings open to the public on the WAPC website at the same time or prior to publication of minutes and maintain these on the website for a minimum of 12 months.

14.5 Confidentiality of information withheld

1. Matters dealt with by the Board or Committee other than in a meeting or part of a which is open to the public must be treated as confidential and must not, without the prior authority of the Chairperson of the Board be disclosed to any person other than Members, or officers serving the agency except to the extent necessary to Implement the decision, and in the case of those officers, only so far as may be necessary for the performance of their duties.
2. Confidential matters are to be —
 - (b) marked “Confidential” in the unabridged version of the agenda and minutes;
 - (c) identified in the agenda under “Confidential Items”; and
 - (d) kept confidential by Members, employees and invited attendees unless and until:
 - i. the Board or responsible Committee resolves otherwise;
 - ii. the Chairperson otherwise approves;
 - iii. details are already in the public domain; or
 - iv. required or permitted by law.

15. Non-Member attendance at meetings

15.1 Board Member attendance at 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 of the Committee, speak but cannot vote on any motion before the Committee.

15.2 Invited attendance at Board or Committee meetings as an observer

1. The Chairperson of the Board or Committee may invite or consent to the attendance of public sector officers, advisors or other stakeholders to attend any meeting of the Board or Committee or parts thereof as an observer.
2. An invited attendee may, at the request of or with the consent of the Chairperson of the Board or Committee, speak but cannot vote on any motion before the Board or Committee.
3. Where an invited attendee has an interest in a matter as defined in clause 5.1 and is invited to speak on that matter, they shall disclose the interest prior to offering comment.
4. Notwithstanding subclause 3, invited observers representing a government body, agency or industry or community group are not required to declare that representation or their employment with that body, agency or group as an interest provided that their attendance at the meeting relates to that representation and is recorded as such in the minutes.

16. Prevention of disturbance

1. A reference in this clause to a person is to a person other than a Member.
2. A person attending a meeting or addressing the Board or 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 of the Board or Committee.

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 of the Board or Committee may warn a person who fails to comply with this clause 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 of the Board or Committee, the Chairperson of the Board or Committee may expel the person from the meeting by ordering him or her to leave the meeting room.
5. A person who is ordered to leave the meeting room and fails to do so may, by order of the Chairperson of the Board or Committee be removed from the meeting room and, if the Chairperson of the Board or Committee orders, from the premises.

17. Administrative matters

17.1 Chairperson of the Board or Committee to ensure compliance

The Chairperson of the Board or Committee 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.

17.2 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 subclause (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 subclause (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.

17.3 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 WAPC Regulations or these Meeting Procedures; the Chairperson of the Board or Committee is to decide questions relating to the conduct of the meeting.
2. The decision of the Chairperson of the Board or Committee under subclause (1) is final, except where a motion of dissent is moved and carried under clause 11.1(5).

17.4 Breach of Meeting Procedures

1. 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.
2. A breach of the Meeting Procedures does not invalidate any decision made which is otherwise consistent with legislative requirements.

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Administration Policies and Procedures

Adopted: 26/06/2024



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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	<p>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?</p>
I – Influence	<p>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?</p>
F – Favour	<p>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?</p>
T – Trust	<p>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?</p>

Reporting

To ensure transparency and accountability:

- a. 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

H – Hospitality	<p>To whom is the gift, benefit or hospitality being provided?</p> <p>Are recipients external business partners or employees of the host organisation?</p>
O – Objectives	<p>For what purpose is the gift, benefit or hospitality provided?</p> <p>Is it being provided to further the conduct of official business?</p> <p>Does it promote and support government policy objectives and priorities?</p>
S – Spend	<p>Are public funds be spent?</p> <p>What type of gift, benefit or hospitality is to be provided?</p> <p>If hospitality, is it modest or expensive?</p> <p>Is alcohol to be provided?</p> <p>Are the costs incurred proportionate to and less than the benefits obtained?</p>
T – Trust	<p>Will public trust be enhanced or diminished?</p> <p>Could I publicly explain the rationale for providing the gift, benefit or hospitality?</p> <p>Is the event to be conducted in a manner that upholds the reputation of the public sector?</p> <p>Have records in relation to the gift, benefit or hospitality been kept in accordance with reporting and recording procedures?</p>

as practicable or recorded online in the gift declaration section of the ATTAIN meeting management software;

- b. 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>(i) Hospitality may be offered by a public authority to stakeholders to support and facilitate the business of the authority or government.</p> <p>(ii) Hospitality may also be offered to an officer by an external party as part of conducting the business of the authority or government.</p>

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