



Planning,
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Environment

PLACE, DESIGN AND PUBLIC SPACES

Governance and Probity Plan

Technical Assurance Panel

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Introduction

Purpose

This Probity Plan has been drafted by the Department of Planning, Industry and Environment (the Department), as the government organisation responsible for establishing the Technical Assurance Panel (assurance panel). Together, the assurance panel will hold a series of pre-lodgement meetings to prepare a draft proposal.

This Probity Plan applies to all participants in the assurance panel process. It will assist in ensuring an open, transparent and accountable planning process that meets Government objectives to support population growth, job creation, infrastructure delivery and service provision in the public interest. This Governance and Probity Plan sets out the governance arrangements to apply, and the procedures to promote the integrity of the process.

Related documents

The key documents guiding the process are:

- Greater Macarthur Interim 2040 Plan,
- Technical Assurance Panel Guideline,
- Terms of Reference, and
- this Probity Plan.

Probity fundamentals

The operation of the assurance panel must be conducted in a manner that satisfies the “probity fundamentals” as stated in the NSW Independent Commission Against Corruption (ICAC) document Probity and Probity Advising – Guidelines for Managing Public Sector Projects. The following guidelines are intended to assist those involved in the assurance panel to observe appropriate standards of probity.

These probity fundamentals are:

- obtaining value for money,
- maintaining impartiality,
- managing any actual or perceived conflicts of interest,
- maintaining accountability and transparency, and
- maintaining confidentiality.

All assurance panel members’ respective organisations Codes of Conduct defines Conflict of Interests and governs how officials are to manage such conflicts. Nothing in this Probity Plan overrides assurance panel members obligation to comply with their respective organisations Code of Conduct.

Assurance panel members are personally responsible for identifying, assessing, declaring and actively managing any conflicts of interest (including actual, reasonably perceived or potential conflicts) that arise in the course of their work. Assurance panel members must ensure that the Chair is aware of any declared conflicts of interest and implements any necessary actions to manage them.

A standing agenda item will be for assurance panel members to declare any conflict of interest at the beginning of each meeting.

Probity in practice

Overview

To ensure the integrity of the process, it is important that the roles of all involved are clearly understood. Assurance panel members must familiarise themselves with the Technical Assurance Panel Guideline (October 2020), and the Terms of Reference, which are provided in Appendix 1 & 2 respectively. These documents outline the roles and responsibilities in relation to the assurance panel process.

Other assurance panel participants

The assurance panel may agree to invite others to assist the assurance panel on any matter. These participants are not formal assurance panel members and are not reimbursed for participation.

Key probity risks

Various probity risks may occur during the assurance panel process. Some of these are common probity risks that are inherent in any government project or transactions. Others are a program-specific risks.

Examples of project specific probity risks include:

- inconsistent consideration or treatment of information received from the proponent,
- other landowners not provided with equal opportunities to pilot the assurance panel process, and
- stakeholders unhappy with the process, leading to claims of bias, lack of impartiality, or unfair advantage.

The procedures section of the Probity Plan provides detailed guidance and controls for addressing the probity risks above.

Maintaining accountability and transparency

The Department is committed to an open, transparent and accountable process that meets Government objectives to support economic and population growth and is in the public interest. To achieve this, the following measures will be undertaken:

- assurance panel meetings will be documented and identify information that is confidential and/or to be communicated to the proponent,
- all interactions will be documented, and
- any studies or supporting information required to accompany the proposal will be procured by the proponent.

Assurance panel participants have a responsibility to ensure that their personal behaviour does not adversely impact on the integrity of the assurance panel process. Each person is to:

- act in accordance with the Probity Plan and other approved plans guiding the process and their role,
- avoid conflicts of interest,
- maintain the confidentiality of confidential information,
- always act in a professional manner,

- not to offer, seek or accept any gifts, hospitality or other benefits that may, or may be perceived to, affect the integrity of the process,
- behave impartially, honestly and fairly,
- report immediately any breaches of the Probity Plan, or other probity concerns to the Chair adviser immediately, and
- maintain appropriate records of decision-making.

Monitoring and reporting probity issues

Assurance panel members are responsible for the day to day management of any probity matters and obligations that arise during their work. Assurance panel members must refer any probity concerns to the Chair for review and resolution.

The Chair may also raise the matter with the Department's Corporate Governance Branch, for advice.

In providing Secretariat services, the Department will be responsible for maintaining a register of conflict of interest declarations, which will be a standing agenda item for assurance panel meetings.

Amendment

The assurance panel Chair can approve any amendment to this Governance and Probity Plan with the reasons for amendment clearly documented and provided to all assurance panel members.

Procedures

Meeting procedure:

- The assurance panel will be Chaired by the Department's Executive Director, Central River City & Western Parkland City (or delegate).
- The proponent is responsible for providing all studies etc to the Department for distribution to assurance panel members prior to the meeting.
- The Department will aim to distribute the agenda and any business papers, at least 7 days prior to each meeting.
- The Department is responsible for taking, distributing and finalising the minutes. The minutes must include action items and timeframes for actions to be completed.
- If a meeting needs to be cancelled or re-scheduled for any reason, the Department will notify invitees and advise of the next meeting.
- All meetings are anticipated to be held electronically using Microsoft Teams.

Correspondence:

- Any correspondence from the proponent to the assurance panel or individual assurance panel members but be addressed to the Chair,
- Any correspondence to the proponent representing the views of the assurance panel must be endorsed by the Chair, and
 - If an individual assurance panel member wishes to correspond with the proponent, the Chair and nominated Secretariat (Western District Team of the Department) must be copied into the correspondence.

Records and files:

- It is the responsibility of the Department to ensure compliance with the *State Records Act 1988* (SR Act), and the *Government Information (Public Access) Act 2009* (GIPA Act), and
- If a GIPA request is received, this must be sent to the Chair and the Department will collate a response to the request.

Maintaining confidentiality

Maintaining confidentiality is fundamental to probity and is the responsibility of each assurance panel participant with access to confidential information. Assurance panel participants must ensure the control and security of confidential documents in their possession. Where practicable, and for particularly sensitive information, hand delivery, registered post or couriers should be considered. Documents are to be securely packaged and marked "confidential".

All members of the assurance panel as well as other assurance panel participants and invited experts may be requested to sign the confidentiality agreement at **Appendix 3**. The Department will record copies of signed confidentiality agreements.

Media enquiries

If any individual assurance panel member is contacted by the media regarding the process or proposal, the Chair and the respective organisations staff responsible for responding to media queries must be consulted before any response is issued. The Department will maintain records of all responses to the media in relation to the process and proposal.

Appendix 1

Guideline

Appendix 2

Technical Assurance Panel Terms of Reference

Appendix 3

Confidentiality Agreement

CONFIDENTIALITY AGREEMENT

Technical Assurance Panel

Name:

Position:

Organisation:

Date:

Matters and documents to remain confidential

Participants and consultation stakeholders must:

- Ensure the control and security of Confidential Information and documents provided to them in the course of their involvement in the assurance panel.
- Protect and safeguard Confidential Information against unauthorised publication or disclosure
- Not distribute confidential information to another party unless:
 - the disclosure is required by law
 - written approval of the Chair has been obtained. Any such distribution, subject to approval from the Chair, should be on a 'need to know' basis.
- Not use, copy or reproduce Confidential Information for any reason or purpose except as directed by the Chair.
- Ensure that electronic information of a confidential nature is stored on a secure IT storage system and take particular care with the emailing of confidential information.
- Return to the Department or the relevant party all confidential information when requested by the Chair to do so.
- Immediately inform the Department and all assurance panel members if a suspected confidentiality breach has occurred.
- Acknowledge that a breach of this Deed may result in damage to the Department and/or all assurance panel member agencies and that the relevant agency(s) will be entitled to enforce their rights by seeking redress.
- Acknowledge that the obligation to maintain confidentiality continues even after the conclusion of this Deed.

Definition

For the purposes of the assurance panel, Confidential Information is any information or documents (including in electronic form) that relate to the Proposal, are not in the public domain, are identified by the Chair as Confidential and/or are referred to below. This includes:

- Draft Structure Plans, discussion papers, and accompanying reports
- Technical reports, briefings and expert advice prepared or provided to inform the Structure Plan development and other Government planning documents
- Material or information prepared for the purposes of briefing the Secretaries of Government departments, the Minister, Cabinet, or local Councillors
- Any other information or material, as identified by the Chair.

I agree to the confidentiality requirements set out above in relation to the assurance panel and commit to observe and implement them.

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Signature (Recipient)

.....

Signature and Name (Witness)

Date / /

Date / /