

Department of Planning, Housing and Infrastructure

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# Housing Delivery Authority Code of Conduct

December 2024



# Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land, and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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# Introduction

This Code of Conduct (Code) applies to all members of the Housing Delivery Authority (HDA), including:

- chair
- members
- alternates acting for members.

The Code outlines the standards of conduct expected of HDA members. It is the personal responsibility of each member to comply with this Code. The Code will be kept under review and will be subject to changes that may be required to reflect the experience of the implementation and operation of the HDA.

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## Purpose of the Code

This Code sets out the minimum requirements of behaviour for members in carrying out their functions. The Code has been developed to assist HDA members to:

- understand the standards of conduct that are expected while carrying out the functions of a member
- act honestly, ethically and responsibly
- exercise a reasonable degree of care and diligence
- act in a way that enhances public confidence in the integrity of the role of HDA in the planning system.

As public officials, members of the HDA have a particular obligation to act in the public interest. All members of the of HDA must:

- comply with the ethical framework for the public sector set out in the Public Sector Employment and Management Act 2002 and the Government Sector Employment Act 2013
- have a clear understanding of their public duty and legal responsibilities
- act for a proper purpose and without exceeding their powers.

Further documentation can be located in the existing [Code of Ethics and Conduct for NSW Government Sector Employees from PSC \(PSC code\)](#) and the [existing Code of Ethics and Conduct for NSW Government Sector Employees from DPHI \(DPHI code\)](#)

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# Code of Conduct

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## 1. Key principles

### Integrity

1.1. You must not place yourself under any financial or other obligation to any individual organisation that might be reasonably thought to influence you in the exercise of your functions as a member of the HDA member.

### Leadership

1.2. You have a duty to promote and support the key principles of this Code by demonstrating leadership and maintaining and strengthening the public's trust and confidence in HDA and their role in the planning system.

### Selflessness

1.3. You have a duty to make decisions in the public interest. You must not make a decision(s) or take action that causes or results in you obtaining:

- a financial benefit (including avoiding a financial loss), or
- other benefits for yourself, your family, friends or business interests.

### Impartiality

1.4. You should make decisions on merit and in accordance with your statutory obligations when carrying out your functions as a member of the HDA member.

### Accountability

1.5. You are accountable to the public for your decisions and actions and should consider issues on their merits, taking into account the views of others.

### Openness

1.6. You have a duty to be as open as possible about your decisions and actions.

### Honesty

1.7. You have a duty to act honestly and in good faith for the proper purpose.

### Respect

1.8. You must treat others with respect at all times.

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## 2. General conduct obligations

### General conduct

- 2.1 You must not conduct yourself in carrying out your functions as a HDA member in a manner that is likely to bring the HDA into disrepute. Specifically, you must not act in a way that:
- a) is improper or unethical
  - b) is an abuse of power
  - c) causes, comprises or involves intimidation, harassment or verbal abuse, or
  - d) causes, comprises or involves discrimination, disadvantage or adverse treatment.
- 2.2 You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions as a HDA member, having regard to the statutory obligations under the EP&A Act and Regulations.

### Fairness and equity

- 2.3 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

### Making decisions and taking actions

- 2.4 You must ensure that decisions and actions are consistent, reasonable, fair and for the proper purpose and that parties involved in the expression of interest (EOI) process are dealt with fairly.
- 2.5 You should attend all briefings, meetings and other business of the HDA as far as is possible and allow the necessary time to prepare.

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## 3. Recording declarations of interest

- 3.1. HDA members are required to complete and sign a declaration of interest form in relation to each matter which is considered by the Chair of HDA, either before, or at the commencement of consideration of the matter.
- 3.2. Where any pecuniary or non-pecuniary interest in a matter before the HDA has been disclosed by a member, whether declared before or at the commencement of the briefing or meeting, this will be noted in the HDA decision record, even when the member is not in attendance. Records of all briefings are made available on the Department's website.

3.3. As a member of a government board or committee, all HDA members are also required to adhere to the Department of Premier and Cabinet’s Guidelines ‘Conduct Guidelines for Members of NSW Government Boards and Committees’ (“the DPC Guidelines”).

In accordance with the DPC Guidelines, HDA members are required to disclose interests which include positions and pecuniary interests in corporations, partnerships or other businesses that may be relevant to the activities of the HDA.

3.4. A register of declarations made by HDA members, will be maintained by the Department’s Team, in accordance with the DPC Guidelines.

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## 4. Relationship between Housing Delivery Authority members and others

4.1. HDA members must adhere to the Key Principles and General Conduct Obligations contained in this Code when dealing with others.

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## 5. Breaches of this Code

### Reporting suspected breaches

5.1. HDA members are required to report suspected breaches of this Code to the HDA chair or the Minister for Planning and Public Spaces.

5.2. Any other person may report a suspected breach of this Code under the HDA Complaints Handling Policy.

### Reporting possible corrupt conduct

5.3. HDA members are subject to the *Independent Commission Against Corruption Act 1988* and the *Ombudsman Act 1974*. HDA members are urged to report suspected corrupt conduct, as well as maladministration and serious and substantial waste of public resources.

5.4. The *Public Interest Disclosures Act 1994* provides protection to public officials who voluntarily report suspected corrupt conduct. Access to a Public Interest Disclosure Officer can be arranged through the Department of Planning, Housing and Infrastructure. The HDA chair is under a duty to report to the Independent Commission Against Corruption (ICAC) any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct<sup>9</sup>.

5.5. HDA members, or any other persons, can also report directly to the following investigative bodies:

- Corrupt conduct should be reported to the Independent Commission against Corruption (ICAC)<sup>1</sup>,
- Maladministration<sup>2</sup> should be reported to the NSW Ombudsman, and
- Serious and substantial waste of public money should be reported to the NSW Auditor General.

## Handling of suspected breaches

5.6. Suspected breaches of this Code will be handled in accordance with the HDA Complaints Handling Policy.

5.7. HDA chair may take such steps as s/he thinks appropriate to investigate and take action in respect of the alleged breach of this Code.

5.8. A person who is alleged to have breached this Code must be given:

- the full particulars of the alleged breach
- an opportunity to respond to the allegations
- the right to have a legal or other representative present during any meetings/discussions in respect of the matter.

5.9. Serious breaches of this Code may be referred to the Minister. Proven breaches of this Code may warrant removal of the HDA member from office.

5.10. The Minister may remove a HDA member from office at any time and without notice. The Minister must provide a written statement of the reasons for removing the member from office and make that statement publicly available.

5.11. The Minister may remove any member if the Independent Commission Against Corruption recommends that consideration be given to the removal of the member because of corrupt conduct by the member.

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## 6. Acknowledgement of this Code

6.1. On appointment all HDA members are required to acknowledge in writing that they will abide by the principles, obligations and requirements of this Code.

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<sup>1</sup> Section 10 of the ICAC Act allows any person to make a complaint to the Independent Commission Against Corruption about a matter that concerns or may concern corrupt conduct.

<sup>2</sup> Maladministration is defined in s 11(2) of the *Public Interest Disclosures Act 1994*



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# Appendix A

## Disclosure of pecuniary interests

1. If:
  - (a) a member has a pecuniary interest in a matter being considered or about to be considered at a briefing or meeting of the planning body
  - (b) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter
  - (c) the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the planning body.
2. A member has a pecuniary interest in a matter if the pecuniary interest is the interest of:
  - (a) the member, or
  - (b) the member's spouse or de facto partner or a relative of the member, or a partner or employer of the member, or
  - (c) a company or other body of which the member, or a nominee, partner or employer of the member, is a member.
3. However, a member is not taken to have a pecuniary interest in a matter as referred to in subclause (2) (b) or (c):
  - (a) if the member is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative, partner, employer or company or other body, or
  - (b) just because the member is a member of, or is employed by, a council or a statutory body or is employed by the Crown, or
  - (c) just because the member is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the member has no beneficial interest in any shares of the company or body.
4. A disclosure by a member at a meeting of the planning body that the member, or a spouse, de facto partner, relative, partner or employer of the member:
  - (a) is a member, or is in the employment, of a specified company or other body, or
  - (b) is a partner, or is in the employment, of a specified person, or
  - (c) has some other specified interest relating to a specified company or other body or to a specified person,

is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person which may arise after the date of the disclosure, and which is required to be disclosed under subclause (1).

5. Particulars of any disclosure made under this clause must be recorded by the regional panel in a book kept for the purpose and that book must be open at all reasonable hours to inspection by any person on payment of the fee determined by the planning body.
6. After a member has disclosed the nature of an interest in any matter, the member must not, unless the Minister or the planning body otherwise determines:
  - (a) be present during any deliberation of the panel with respect to the matter, or
  - (b) take part in any decision of the panel with respect to the matter.
7. For the purposes of the making of a determination by the planning body under subclause (6), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not:
  - (a) be present during any deliberation of the panel for the purpose of making the determination, or
  - (b) take part in the making by the panel of the determination.
8. A contravention of this clause does not invalidate any decision of the planning body.