



CODE OF PROFESSIONAL CONDUCT

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1. INTRODUCTION

This Code applies to all members of the Planning Institute of Australia (PIA). The members are bound by this Code of Ethics and Professional Conduct.

References to "members" are to members of the Institute. References to "the panel" are references to a PIA Division panel or sub committee of the Institute, established for the purpose of investigating breaches of the Code on behalf of the Institute. References to "the Council" are references to the National Council of the Institute.

2. PREAMBLE

Planners, like lawyers, work within a system of which they are an integral part, a system whose fundamental purpose is to ensure or pursue outcomes which, as nearly as they can, reflect the interests of the community as a whole. A planner's responsibility to the community must take precedence over sectional interests. In a pluralist society with a multiplicity of values this is not always straightforward or simple because planning is not an exact science. To this difficulty is added the fact that different sections of the community, whether residents, consumers, investors, developers or public authorities, have equally legitimate but different, and often conflicting goals to pursue within the system.

Consequently, more than most professions, town planners are subject to strong and conflicting pressures from different sections of the community. In particular, almost all of the work that planners do involves the public interest as well as the sectional interest of their client or employer. Ultimately, the integrity of planning decisions, and of the planning system as a whole, relies upon the integrity of the planners who serve it, in whatever capacity.

The purpose of this Code is therefore to provide guidance and support to planners to ensure that they practice their profession with the highest ethical and professional standards and earn the confidence and respect of the community which they serve.

3. CODE OF PROFESSIONAL CONDUCT

3.1 Professional Standards

1. Members shall strive for the highest standards in all their professional activities.
2. Members shall uphold and promote the elimination of discrimination on the grounds of race, creed, gender, age, location, social status or disability.
3. Members shall seek to ensure that all persons who may be affected by planning decisions have the opportunity to participate in a meaningful way in the decision-making process.
4. Members shall seek to ensure that the processes of planning are conducted as openly as possible and that all relevant information is disclosed to interested persons.
5. Members shall use their best endeavours to ensure the development:

- is sustainable;
 - provides for the protection of natural and man-made resources;
 - is aimed at securing a pleasant, efficient and safe working, living and recreation environment; and
 - is efficient and economic.
6. Members shall seek to uphold the high standing of the profession and the Institute.
7. Members shall disclose the nature of their role when providing planning advice which is intended to be entered into the public realm.

3.2 Conflicts of Interest

8. Members shall not act in circumstances where there is a potential conflict between their own private interest and the interest of their client or public interest.
9. Members employed by or acting for a planning authority on any matter or in relation to any land shall not:
- act for any other person or client in relation to that matter or any part of that land;
 - where a conflict of interest could exist, engage in or advise any third party on any planning matters within that area until such time as the member's employment or commission is concluded and the results of the work are made public by the planning authority.
10. Members who are undertaking planning work for a client must not undertake work for another client if either client is likely to be prejudiced.
11. Members shall disclose to their employees or clients any gifts, commissions or discounts received from or offered by any third parties in connection with their work as planners, and shall not accept any such gifts, commissions or discounts where their receipt may, or may be perceived to, influence their advice.
12. Members shall not undertake paid professional work from any authority or organisation of whose governing body, board of directors or the like they are members.
13. Members may only in exceptional circumstances, such as where the member alone possesses the required expertise, act where a potential conflict of interest exists or may arise. Prior to accepting any such engagement the member shall disclose the relevant details to the client or clients concerned, and to the State Divisional Committee, in writing, and shall accept the directions of the State Division Committee, which may include a requirement to publicly disclose the relevant details prior to acting.

3.3 Confidentiality and Disclosure

14. Members shall keep confidential all information provided to them during the course of their work, and shall not disclose or use that information for their own benefit, nor disclose it to any third party unless:
- with the express approval of the legal owner of that information;
 - where required to do so by law; or
 - it is necessary to prevent a substantial damage to the public interest.

3.4 True Professional Opinion

15. Members shall not provide advice which, in similar circumstances, is materially inconsistent with that previously given to the same or another client.

3.5 Professional Competence

16. Members shall take all reasonable steps to maintain their professional competence while working in the planning profession and in doing so shall have regard to the advice and requirements of the Institute.

3.6 Marketing of services

17. Members may advertise their services by advertisement in the print or other media, but the advertisement shall not:
- hold or imply that the member is qualified or offer services which the member cannot provide to the professional standards required by the Institute;
 - use exaggerated or flamboyant language;
 - contain any misleading or inaccurate statement; or
 - be contrary to any law.
18. Members shall not claim or accept credit for work for which the member has not been responsible either directly as its author or as a principal directing the author.

3.7 Fair Competition

19. Members shall not induce a breach of contract or solicit work from another member who has been engaged to carry out a commission.
20. Members who are employed by a statutory authority or public body shall not undertake private commissions unless:
- no conflict of interest arises from the carrying out of the commission;
 - full disclosure has been made to the employer and the approval of the employer has been obtained; and
 - the member (where required) reimburses the employer for any use of the employer's facilities, information or services and any time during normal working hours.
21. Members may undertake an honorary commission and in such cases there is no diminution of the member's professional obligations and responsibilities.
22. Members may not carry out work on a contingency fee (success fee) basis.

4. PROCEDURES AND PENALTIES

4.1 Duties and Responsibilities

23. The duty of investigating any alleged breach of this Code or other alleged unprofessional conduct shall be vested in a Conduct and Discipline Panel of the particular Divisional Committee or where none exists the President, Vice President, one Committee Member and an independent person with legal expertise.
24. It is the responsibility of a member in private practice, whether on his or her own account or as a partner in a partnership or director or employee of a company, to take all reasonable steps to ensure that all planning matters in the practice, partnership or company are conducted in accordance with the Code, whoever undertakes such work in the practice, partnership or company.
25. It is the responsibility of members holding executive responsibility in a public agency or authority to take all reasonable steps to ensure that all planning matters in that agency or authority are conducted in accordance with the Code.

26. It is the duty of a member to report to the Panel any alleged breach of this Code or other alleged unprofessional conduct of which he or she becomes aware and to assist the Panel in its investigations.

4.2 Procedures

27. If a Panel considers that a matter requires investigating in pursuance of its duty, particulars of the alleged breach of this Code shall be sent in writing to the member concerned with a request for his or her response.
28. A Panel shall not proceed with its investigation until the member's response has been received in writing and considered or a period of six weeks has elapsed without reply from the member.
29. The Panel may invite the member concerned, or accept an offer from the member, to discuss the matter with the Panel or with members or officers thereof. It may also invite the complainant or such other persons as it so wishes, to discuss the matter with the Panel, or with members or officers, and any representative that the member may choose.
30. A Panel shall not recommend any disciplinary action to the Council without first notifying the member concerned of the recommendations proposed, with the reason or reasons therefore, and giving the member the opportunity to make written representations to the Panel or to appear before the Panel or a sub-committee thereof, in person or through any representative that he or she may choose.
31. When its investigation is complete, and, subject to Section 30, the Panel shall report to the Council on whether or not a breach of this Code has been established.
32. If a panel reports that there has been no breach of this Code, no further actions will be taken other than the Council:
- advising the member and complainant of the panel's findings, and
 - if the member requests, the findings of the Panel being published by the Institute.
33. In the event of a Panel reporting that a breach of this Code or other unprofessional conduct has been proved, the Panel may recommend disciplinary action within the powers of the Council as set out in Sections 34.
34. If the Council is satisfied on a report from the Panel that a breach of this Code has been established, the Council may;
- a) caution the member about their future conduct;
 - b) reprimand the member;
 - c) suspend the member from membership of the Institute for such period as the Council shall determine; or
 - d) terminate the member's membership of the Institute forthwith or from such date as the Council shall specify.
35. The Council may publish details of its findings and any action taken by the Council under paragraph 34 where there has been a breach of this Code.

