

Code of Professional Conduct

INTRODUCTION

Members of the Australian Association of Planning Consultants (the Association) are also corporate members of the Royal Australian Planning Institute (now Planning Institute of Australia, or 'PIA') and are bound by its, and the Association's, Code of Professional Conduct.

The AAPC's Code is intended to supplement the PIA Code.

This Code is binding on members of the Association. References to "members" are to members of the Association. References to "the Panel" are references to a panel or sub committee of the Association established for the purpose of taking action on breaches of the Code on behalf of the Association. References to "the Committee" are references to the Management Committee of the Association.

PREAMBLE

Town planners, like lawyers, work within a system of which they are an integral part, a system whose fundamental purpose is to 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 responsibility to the profession or to 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.

This Code is binding on all members, of whatever grade and in whatever capacity they act.



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CODE OF CONDUCT

Responsibility to the Community

1. Members shall strive for the highest standards of professional work 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 strive to extend to all members of affected communities, including those without formal organisation, influence or significant resources, the opportunity to participate in a meaningful way in the making of planning decisions.
4. Members shall seek, wherever possible, and where the community interest is involved, to ensure that the processes of planning are conducted as openly as possible and that all relevant information is disclosed to the public and other affected parties.
5. Members shall use their best endeavours to ensure that development is consistent with the need for long term sustainability, the enhancement of amenity and the principles of orderly and proper development.
6. Members shall at all times act in a manner which will retain the high standing of the profession and the Institution.

Conflicts of Interest

7. Members shall not act in any circumstances where there is a conflict, potential conflict, or perceived conflict, between their personal or financial interests and their professional duty, or a conflict between the interests of one client and another.
8. Members employed by or acting for a planning authority on any matter or in relation to any land shall not
 - act for another person or client in relation to that matter or any part of that land;
 - where a conflict of interest exists, or may exist or be perceived to 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.
9. Members who are undertaking planning work for a client shall not undertake work for another client if either client is likely to be prejudiced as a consequence.
10. Members shall disclose to their employers 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.



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11. 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, except where
 - the presence of the member on the board or its equivalent is essential for the success of the work; or
 - the work is won by open and competitive process.
12. Members may, in exceptional circumstances, such as where the member alone possesses the required expertise, act in circumstances where a 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 Panel referred to in Article 28, and shall accept the directions of the Panel, which may include a requirement to publicly disclose the relevant details prior to acting.

Confidentiality and Disclosure

13. Members shall keep confidential all information provided to them on a confidential basis 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; or
 - where required to do so by law; or
 - to prevent a substantial damage to the public interest.

True Professional Opinion

14. Members shall not provide, contribute to, or subscribe to any evidence, report or statement which is contrary to their own bona fide professional opinion.

Professional Competence

15. Members shall take all reasonable steps to maintain their professional competence throughout their working lives and in doing so shall have regard to the advice and requirements of the Association.

Marketing of Services

16. Members may advertise their services in a manner which is consistent with the status and dignity of the profession, including 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 discharge to the professional standards required by the Association;
 - use exaggerated or flamboyant language;
 - contain any misleading or inaccurate statement;
 - invite comparison between the member and any other member or members; or
 - endorse or imply endorsement of any company or commercial product.
17. 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.



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Fair Competition

18. Members shall not attempt to gain commissions by unfair means or by offering an inducement, either directly or indirectly.
19. Members shall not attempt to supplant a member who has been engaged to carry out a commission.
20. Members shall not attempt, or allow others to attempt, to influence the awarding of a commission by a public agency or private corporation through any means other than through proper process, on equal terms with other contenders for the commission.
21. Members, on being approached or instructed to carry out professional work upon which to their knowledge another member was previously or is currently employed shall notify that fact, in writing, to such member prior to accepting the commission.
22. Members shall not accept commissions or offer to carry out professional work for a fee which is less than that judged necessary to simultaneously maintain a high quality of professional work and provide a fair and reasonable return to an independent practice.
23. Members who are employed by a public authority, educational institution or the like shall not undertake private commissions unless:
 - no conflict of interest arises or is perceived to arise from the commission;
 - full disclosure has been made to the employer;
 - express approval of the employer has been obtained;
 - the details of the commission are made public;
 - a fair and reasonable fee is charged in accordance with article 22; and
 - the member remunerates the employer at normal market rates for any use of the employer's facilities, information or other benefits, and for any of the employer's time given instead to the carrying out of the commission.
24. Members shall not enter into any competition for professional planning services unless that competition has been endorsed by the Association.
25. Members shall not undertake to provide substantial design work or other professional advise specific to a particular project, in competition with others, as a precondition of consideration for a commission for that project.
26. Members may undertake honorary commissions and in such cases there is no diminution of the members' professional obligations and responsibilities.
27. Members may carry out work on a contingency fee (success fee) basis provided that the client is fully advised as to the choices and risks involved.



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PROCEDURES AND PENALTIES

Duties and Responsibilities

28. The duty of investigating any alleged breach of this Code or other alleged unprofessional conduct shall be vested in the Conduct and Discipline Panel of the Association ("the Panel).
29. As far as is within their power, it is the responsibility of a member in private practice, whether on their own account or as a partner in a partnership or director 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.
30. As far as it is within their power, 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.
31. 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.

Procedures

32. If the panel considers that a matter requires investigating in pursuance of their duty, particulars of the alleged breach of this Code or other alleged unprofessional conduct shall be sent in writing to the member concerned, with a request for their observations.
33. The Panel shall not proceed with its investigation until the member's observations have been received and considered, or a period of six weeks has elapsed without reply from the member and the Panel is satisfied that the member could reasonably have responded in that time.
34. Without prejudice to a member's rights or the Panel's duty, 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 complaint or such other persons as it so wishes to discuss the matter with the Panel, or with members or officers thereof, and the member or any representative that the member may choose.
35. The Panel shall not recommend any disciplinary action to the Committee 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.



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36. When its investigation is complete, and subject to article 35, the Panel shall report to the Committee on whether or not a breach of this Code or other unprofessional conduct has been proved.
37. If the Panel reports that there has been no breach of this Code or other unprofessional conduct, no further actions shall be taken other than the Committee:
 - advising the member and complainant of the Panel's findings; and
 - if the member requests, publishing the Panel's finding.
38. In the event of the 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 Committee as set out in articles 39 to 43.
39. If the Committee is satisfied on a report from the Panel that a breach of this Code or other unprofessional conduct has been proved the Committee may:
 - a. caution the member about their future conduct;
 - b. reprimand the member;
 - c. suspend the member from membership of the Association for such period as the Committee shall determine; or
 - d. terminate the member's membership of the Association forthwith or from such date as the Committee shall specify.
40. In the event of termination or suspension of membership the member shall forthwith surrender their membership certificate to the Committee.
41. The Committee shall not decide to take more severe disciplinary action against the member than any recommended by the Panel without first notifying the member concerned of the proposed action and giving them a further opportunity to make representations or to appear before the Committee or a sub-committee thereof in person or through any representative that they may choose.
42. The Committee's decision shall be conveyed to the member and complainant concerned in writing and shall be final.
43. The Committee reserves the right, in the event of finding that there has been a breach of this Code or other unprofessional conduct, to give such publicity thereto and to any other disciplinary action taken thereon as it may, in its absolute discretion, deem appropriate in the interest of both the Association and the public.

**Australian Association of Planning Consultants (WA)
May 1997**

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