

Policy of Notification – Accredited Professionals

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1. Introduction

The Accredited Professionals Scheme is a key component of the planning system created under the *Planning, Development and Infrastructure Act 2016*. Under the scheme, planning and building professionals who are the relevant authorities in assessing development applications within South Australia are required to maintain minimum standards of professional practice and produce evidence that they are sufficiently qualified to make key decisions at certain levels.

Upon accreditation, planning and building professionals are registered in a central database managed by the Attorney-General's Department.

In addition, all Accredited Professionals will be required to hold all necessary insurance, comply with the Accredited Professionals Code of Conduct, participate in annual compliance checks and undertake specified units of Continuing Professional Development.

2. Scope

The *Planning, Development and Infrastructure Act 2016* requires that Council must appoint and take the advice of accredited professionals under the Act and this policy helps to ensure that these accredited professional maintain their accreditation.

The policy sets out the responsibilities and obligations for these accredited professionals on maintaining their accreditation. The Policy has explicit requirements to notify Council of any changes.

3. Policy Statement

3.1. Application of Policy

3.1.1. This policy applies to all:

- employees of the Council;
- contractors and/or agents of the Council during the course of their engagement; and
- members of Council's Assessment Panel who are or become accredited as accredited professionals pursuant to the scheme established under Section 88 of the *Planning, Development and Infrastructure Act 2016 (Act)* and *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019 (Regulations)*.

3.1.2. For the purposes of this policy, the persons identified in Clause 3.1.1 are known as "Accredited Professionals".

3.1.3. Clauses 3.2 and 3.3 of this Policy apply only to Accredited Professionals who require accreditation in order to carry out the functions and/or duties associated with their employment with, or engagement or appointment by, the Council.

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3.2. Responsibilities of accredited professionals

- 3.2.1. All Accredited Professionals must take all steps necessary to gain and maintain accreditation under the Act and Regulations at the class required under the Act and Regulations for the role or function they have been employed, engaged or appointed to perform **(Accreditation)**.
- 3.2.2. All Accredited Professionals in the direct employ of Council (ie. a salaried employee of the organisation) may seek to have all associated costs with the attainment and maintenance of the Accredited Professional status, by virtue of it being a requirement of the position held.
- 3.2.3. All external and consulting Accredited Professionals sub contracted to provide their services to Council (ie. Council Assessment Panel members, except Elected Members) must cover all associated costs with the attainment and maintenance of their Accredited Professional status, by virtue of it being a requirement of the duties they perform as an external consultant.
- 3.2.4. Without limiting Clause 2.1, all Accredited Professionals must:
- take all steps necessary to maintain their Accreditation by applying for the continuation of their Accreditation annually as required under the Act and Regulations;
 - ensure they fulfil all requirements of continuing professional development under the Regulations; and
 - act in accordance with the Accredited Professionals Scheme Code of Conduct adopted by the Minister under Schedule 3 of the Act (**Code of Conduct**) when carrying out their functions and duties as an accredited professional.

3.3. Obligations of accredited persons

- 3.3.1. An Accredited Professional must, within 3 business days of the occurrence of any of the following events:
- the commencement of this Policy;
 - becoming registered as an Accredited Professional by the accreditation authority;
 - commencing employment with the Council;
 - being engaged by the Council to act as, or provide advice to the Council in the person's capacity as, an Accredited Professional; or
 - accepting an appointment to the Council Assessment Panel, provide a copy of his or her Accreditation to the CEO of the Council, including any conditions or limitations imposed on the Accreditation by the accreditation authority, unless the Accreditation has already been provided to the Council (for example, during the recruitment process).

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- 3.3.2. An Accredited Professional must, within 3 business days of receiving confirmation of the renewal of his or her accreditation, provide a copy of the renewal to the CEO of the Council.
- 3.3.3. An Accredited Professional must, within 3 business days of the occurrence of a Notifiable Event (as defined in Clause 3.4), provide to the CEO of the Council written notification of the Notifiable Event and a copy of any correspondence or other documentation (including electronic) received from the accreditation authority in relation to the Notifiable Event.
- 3.3.4. Notifiable Event means:
- a change to the class of an Accredited Professional's Accreditation;
 - the addition, substitution or deletion of a condition or limitation on an Accredited Professional's Accreditation pursuant to Regulation 17(5) of the Regulations;
 - the surrender by an Accredited Professional of his or her Accreditation pursuant to Regulation 20 of the Regulations;
 - the cancellation or suspension of an Accredited Professional's Accreditation pursuant to Regulation 21(1) of the Regulations or Regulation 93A of the *Development Regulations 2008*;
 - the provision of notice to an Accredited Professional by the accreditation authority of a proposal to suspend or cancel the Accredited Professional's Accreditation pursuant to Regulation 22(1) of the Regulations;
 - any action taken by the accreditation authority (including giving directions to an Accredited Professional) pursuant to Regulation 27(14), (15) or (16) of the Regulations;
 - the provision of notice to an Accredited Professional of a decision by the accreditation authority to investigate a complaint made against the Accredited Professional under Regulation 28 of the Regulations which relates to an act or omission of the Accredited Professional in the course of their employment with, or engagement or appointment by, the Council;
 - the provision of a final report of an investigator to the accreditation authority pursuant to Regulation 28(11)(b) of the Regulations, or the outcome of any process that the accreditation authority has adopted to investigate a complaint made against an Accredited Professional pursuant to Regulation 28 of the Regulations;
 - any action taken by the accreditation authority against an Accredited Professional pursuant to Regulation 28(13) of the Regulations following the investigation of a complaint;

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- any decision made by the South Australian Civil and Administrative Tribunal (SACAT) or any South Australian Court in relation to an Accredited Professional's Accreditation;
- a finding of guilt for an offence against the Act or the *Development Act 1993 (Repealed Act)*; and
- a finding of guilt for an offence against any regulations under the Act or the Repealed Act, including the Regulations.

3.3.5. The CEO may take such action as is reasonable and appropriate in relation to:

- the failure of an Accredited Professional to comply with Clauses 3.3.1 to 3.3.3 of this policy; or
- written notification from an Accredited Professional of a Notifiable Event.

3.4. Responsibility of Council

3.4.1. The Council shall finance the costs of Accreditation for the Level 1 – Assessment Manager and for any other staff who seek Level 3 or 4 Accreditation, to be exercised in their employment.

4. Availability of Policy

4.1. This Policy will be available for inspection at Council's principal office during ordinary business hours and on Council's website www.walkerville.sa.gov.au

4.2. Copies will also be provided to interested members of the community upon request and payment of associated fees in accordance with Council's schedule of fees and charges.

5. Review

5.1. This policy will be reviewed every two years or when such legislation amendments deem it necessary.