

POLICY

Policy Name	Accredited Professionals Notification Policy
Policy Category	Statutory
Department / Officer	Office of Chief Executive Officer/Chief Executive Officer
Date Adopted	22 February 2021
Date/s Reviewed	
Review Frequency	Every Three Years
Strategic Plan Reference	Aspiration 3 – We Manage Growth and Change Responsibly Priority – Continue to prepare for and implement requirements from the Planning, Development and Infrastructure Act 2016

Attachments

1. Purpose

The purpose of this policy is to provide direction to people who are appointed, engaged or employed by the City of Victor Harbor as an Accredited Professional under Section 88 of the *Planning, Development and Infrastructure Act 2016* and *Planning, Development Infrastructure (Accredited Professionals) Regulations 2019*.

2. Scope

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.

3. Policy Statement (Summary)

The City of Victor Harbor will ensure the appointments of Accredited Professionals are suitably qualified competent and experienced in accordance with the *Planning, Development and Infrastructure Act 2016* and *Planning, Development Infrastructure (Accredited Professionals) Regulations 2019*.

4. Legislation and Compliance

An accredited professional must at all times behave in accordance with the general duties as set out under Section 15 of the *Planning, Development and Infrastructure Act 2016* in undertaking any function under this act.

Section 88 of the *Planning, Development and Infrastructure Act 2016*, requires an accreditation scheme to be established to provide reliability, flexibility and accountability of decision makers in the planning system.

Section 91 of the *Planning, Development and Infrastructure Act 2016* sets out the consequences of a breach of duty by an accredited professional.

Clause 24 of the *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019*, must keep a register of accredited professionals.

5. Definitions

Accreditation means the steps undertaken by Accredited Professionals to gain and maintain accreditation under the *Planning, Development and Infrastructure Act 2016* and *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019* for the role or function they have been employed, engaged or appointed to perform.

Accreditation Authority means the Chief Executive of the Department of Planning, Development and Infrastructure

Accredited Professional means a person who holds an accreditation under Section 88 of the *Planning, Development and Infrastructure Act 2016*.

Accreditation Professional Scheme sets out the requirements for planning, building and surveying professionals to become accredited.

Council Employee means a person employed directly by the Council in a full time, part time or casual capacity (whether that position is permanent or contractual) and persons providing services to or on behalf of, the Council even though they may be employed by another party.

Code of Conduct means the Code of Conduct to be observed by accredited professionals adopted by the Minister under Clause 1(1)(d) of Schedule 3 of the *Planning, Development and Infrastructure Act 2016*

Notifiable Event means:

- a change to the class of an Accredited Professional's Accreditation;
- the addition, substitution or delegation of a condition or limitation on an Accredited Professional's Accreditation pursuant to Clause 17(5) of the Regulations.
- the surrender by an Accredited Professional of his or her accreditation pursuant to Clause 20 of the Regulations;
- the cancellation or suspension of an Accredited Professional's Accreditation pursuant to Clause 21(1) of the Regulations or Clause 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;
- the provision of a final report by a qualified auditor pursuant to Clause 27(13) of the Regulations, where a copy of the report is provided to the Accredited Professional;

- 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 Clause 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 Clause 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 Clause 28 of the Regulations.
- an action taken by the accreditation authority against an Accredited Professional pursuant to Regulation 28(13) of the Regulations following the investigation of a complaint;
- 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.

Planning and Design Code means the Code established under Section 65 of the *Planning, Development and Infrastructure Act 2016*

Regulations means the *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019*.

Repealed Act means the *Development Act 1993*

6. Policy Content

6.1 Responsibilities of Accredited Professionals

6.1.1 All Accredited Professionals must take all steps necessary to gain and maintain accreditation including:

- Applying for the continuation of their accreditation annually as required under the *Planning, Development and Infrastructure Act 2016* and *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019*;
- Ensuring they fulfil all requirements of continuing professional development under the *Development and Infrastructure (Accredited Professionals) Regulations 2019*; and
- Act in accordance with the Accredited Professionals Scheme Code of Conduct when carrying out their functions and duties as an accredited professional.

6.2 Obligations of Accredited persons

6.2.1 An Accredited Professional must, within five 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 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 Chief Executive Officer, 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).

6.2.2 An Accredited Professional must, within five business days of receiving confirmation of the renewal of his or her accreditation, provide a copy of the renewal to the Chief Executive Officer of the Council.

6.2.3 An Accredited professional must within three business days of the occurrence of the Notifiable Event (as defined in Clause 5), provide to the Chief Executive Officer 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.

6.3 The Chief Executive Officer may take action as is reasonable and appropriate in relation to the failure of an Accredited Professional to comply with Clause 6.1 or 6.2

7. Risk Management

This policy ensures Council is meeting its legal obligations to manage the accreditation of council staff in accordance with the requirements of the Accredited Professionals scheme, in accordance with the *Planning, Development and Infrastructure Act 2016* and *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019*.

8. Implementation/Delegations

The Chief Executive Officer is delegated responsibility to implement this policy.

9. Related Documents

Accredited Professionals Scheme – Code of Conduct
Assessment Panel Review of Decision of Assessment Manager
Council Assessment Panel Meeting Procedures
Code of Conduct for Employees

10. Availability of Policy

This policy is available on Council's website at www.victor.sa.gov.au. It may also be inspected or purchased at the Principal Office of the Council at 1 Bay Road, Victor Harbor.