



# COUNCIL POLICY

 <p><b>Adelaide Hills</b> COUNCIL</p>	<b>ACCREDITED PROFESSIONALS</b>
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<b>Policy Number:</b>	<b>DEV-14</b>
<b>Responsible Department(s):</b>	<b>Development &amp; Regulatory Services</b>
<b>Other Relevant Policies:</b>	<b>NIL</b>
<b>Relevant Procedure(s):</b>	<b>NIL</b>
<b>Relevant Legislation:</b>	<b>Planning, Development &amp; Infrastructure Act, 2016 Planning, Development and Infrastructure (General) Regulations 2017</b>
<b>Policies and Procedures Superseded by this policy on its Adoption:</b>	<b>NIL</b>
<b>Adoption Authority:</b>	<b>Council</b>
<b>Date of Adoption:</b>	<b>23 June 2020</b>
<b>Effective From:</b>	<b>The designated date of Phase 3 of the Planning &amp; Design Code, as determined by the Minister for Planning (estimated to be September 2020)</b>
<b>Minute Reference for Adoption:</b>	<b>Item 12.7,109/20</b>
<b>Next Review:</b>	<b>No later than September 2022 or as required by legislation or changed circumstances</b>



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## 1. APPLICATION OF POLICY

1.1. This policy applies to all:

1.1.1. employees of the Council;

1.1.2. contractors and/or agents of the Council during the course of their engagement; and

1.1.3. 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)*.

1.2. For the purposes of this policy, the persons identified in Clause 1.1 are known as "Accredited Professionals".

1.3. **Clauses 2 and 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.

## 2. RESPONSIBILITIES OF ACCREDITED PROFESSIONALS

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).

2.2. Without limiting Clause 2, all Accredited Professionals must:

2.2.1. take all steps necessary to maintain their Accreditation by applying for the continuation of their Accreditation annually as required under the Act and Regulations;

2.2.2. ensure they fulfil all requirements of continuing professional development under the Regulations; and

2.2.3. 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.

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### **3. OBLIGATIONS OF ACCREDITED PERSONS**

- 3.1.** An Accredited Professional must, within 5 business days of the occurrence of any of the following events:
- 3.1.1.** the commencement of this Policy;
  - 3.1.2.** becoming registered as an Accredited Professional by the accreditation authority;
  - 3.1.3.** commencing employment with the Council;
  - 3.1.4.** being engaged by the Council to act as, or provide advice to the Council in the person's capacity as, an Accredited Professional; or
  - 3.1.5.** 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).
- 3.2.** An Accredited Professional must, within 5 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.** An Accredited Professional must, within 5 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.
- 3.4.** Notifiable Event means:
- 3.4.1.** a change to the class of an Accredited Professional's Accreditation;
  - 3.4.2.** the addition, substitution or deletion of a condition or limitation on an Accredited Professional's Accreditation pursuant to Regulation 17(5) of the Regulations;
  - 3.4.3.** the surrender by an Accredited Professional of his or her Accreditation pursuant to Regulation 20 of the Regulations;
  - 3.4.4.** 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;
  - 3.4.5.** 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;

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- 3.4.6.** the provision of a final report by a qualified auditor pursuant to Regulation 27(13) of the Regulations, where a copy of the report is provided to the Accredited Professional;
  - 3.4.7.** 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;
  - 3.4.8.** 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;
  - 3.4.9.** 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;
  - 3.4.10.** 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;
  - 3.4.11.** 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;
  - 3.4.12.** a finding of guilt for an offence against the Act or the Development Act 1993 (Repealed Act); and
  - 3.4.13.** a finding of guilt for an offence against any regulations under the Act or the Repealed Act, including the Regulations.
- 3.5.** The CEO may take such action as is reasonable and appropriate in relation to:
- 3.5.1.** the failure of an Accredited Professional to comply with Clauses 3.1 to 3.3 of this policy; or
  - 3.5.2.** written notification from an Accredited Professional of a Notifiable Event.

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**4. DELEGATION**

**4.1.** The Chief Executive Officer has the delegation to:

**4.1.1.** Approve, amend and review any procedures that shall be consistent with this Policy; and

**4.1.2.** Make any formatting, nomenclature or other minor changes to the Policy during the period of its currency.

**5. AVAILABILITY OF THE POLICY**

**5.1.** This Policy will be available for inspection at the Council's Offices during ordinary business hours and via the Council's website [www.ahc.sa.gov.au](http://www.ahc.sa.gov.au). Copies will also be provided to the public upon request, and upon payment of a fee in accordance with the Council's Schedule of Fees and Charges.