

**Proposed amendments to the *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019***

<b>Reg</b>	<b>Matter</b>	<b>Proposed Amendment</b>	<b>What this means?</b>
3	Meeting the qualification, experience and skills requirements for accreditation at Planning Level 1 would satisfy the requirements for all other levels of planning accreditation. If a person accredited as a Planning Level 1 wishes to undertake the functions of a Planning Level 2, 3 or 4, they must apply to also be accredited as a Planning Level 2, 3 or 4.	Insert a new provision allowing a person holding a Planning Level 1 accreditation to undertake or perform the functions of a Planning Level 2, 3 & 4.	This will mean that anyone with Planning Level 1 accreditation can undertake or perform the functions of a Planning Level 2, 3 & 4 without the need to lodge any further applications.
4	Applications to vary a condition must currently be in the 'approved form', considered burdensome.	Remove the requirement for an application to vary a condition to be in an 'approved form' under reg 17(4).	This amendment makes it simpler and more accessible for accredited professionals to apply for a variation to a condition on their accreditation.
5	Consequential amendment – see reg 7 below.		
6(1)	Consequential amendment – see reg 7 below.		
6(2)	A renewal application must currently be lodged at least 28 days before the expiration of the accreditation, and it is considered that this timeframe could be shortened.	Amend reg 19(2)(f) to allow a renewal application to be lodged up to 14 days before the expiry date of the accreditation.	This means an accredited professional can lodge a renewal application 14 days out from the expiry of their accreditation, which provides an extra 14 days to renew when compared to the current requirements.
6(3)	Consequential amendment – see reg 6(4) below.		
6(4)	Many accredited professionals accredited under the <i>Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019</i> also hold an accreditation with another professional association and have identified that it would be helpful if the anniversary dates of the two accreditations could be aligned.	A new provision that allows an accredited professional to apply to change their anniversary date to a different date that is earlier than what would otherwise be their next anniversary date.	An accredited professional will be able to apply to the Accreditation Authority when they renew their accreditation to change their anniversary date to a date that is earlier than what would otherwise be their next anniversary date. In doing so, an accredited professional may need to liaise with the Accreditation Authority regarding Continuing Professional Development (CPD) requirements.

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6(5)	The Accreditation Authority must determine a renewal application, but there is no express provision to allow the application to be granted or refused if it is deficient.	Add an express provision that allows the Accreditation Authority to grant or refuse a renewal application under reg 19.	This amendment makes it clear that the Accreditation Authority has the ability to either approve or refuse a renewal application.
7	Following feedback received from accredited professionals throughout the review of the Accredited Professionals Scheme, it would be beneficial to provide additional time to renew an application without it immediately ceasing on the anniversary date.	Insert a new provision that allows the Accreditation Authority to extend an accreditation for three months due to extenuating circumstances.	An accredited professional may apply in writing to the Accreditation Authority to have their accreditation extended for three months in certain circumstances. Where an extension is approved, this will also provide an additional three months for the accredited professional to complete CPD.
8	It is currently unclear whether a ground for cancellation or suspension of accreditation includes a breach of another Act of Parliament or otherwise generally acting unlawfully when performing a function under the <i>Planning, Development and Infrastructure Act 2016</i> .	Under reg 21(2)(h)(ii), extend the grounds for suspension or cancellation to circumstances where an accredited professional has acted unlawfully or breached another Act (other than the <i>Planning, Development and Infrastructure Act 2016</i> ) in the performance of their duty as an accredited professional.	This means that an accredited professional may have their accreditation suspended or cancelled where they have breached another Act of Parliament in the performance of their duty (for example, the <i>Building Work Contractors Act 1995</i> ).
9(1)	The register of accredited professionals is currently required to contain information on each accredited professional's qualifications and experience. However, this information is unknown to those registered through the <i>Mutual Recognition Act 1992</i> , so this creates an inconsistency.	Remove reg 24(2)(b) so that information regarding qualifications and experience is not required to be included on the register.	Details regarding an accredited professional's qualifications and experience will no longer appear on the register of accredited professionals.
9(2)	It is unclear whether the register of accredited professionals should be historical and include those previously accredited.	Clarify in reg 24(1) that the register of accredited professionals is only to comprise those currently accredited.	The details of an accredited professional will only appear on the register while they remain accredited.

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10(1)	Currently, the CPD period is the 12 months that precedes the date that a renewal application is lodged. This, however, creates inconsistencies and means that CPD periods may overlap if a renewal application is lodged on a different date each year.	Amend reg 25(2) so that the CPD period is the 12 months before the anniversary (expiry) date of the accreditation, not the 12 months preceding the renewal application.	This means the period in which an accreditation professional will need to complete their CPD is the 12 months preceding the anniversary date of their accreditation, and not the 12 months preceding the date of their renewal application.
10(2)	<p>Consequential amendment - see reg 7 above.</p> <p>Where CPD periods do overlap going forward (as a result of an extension being granted) it needs to be clarified that CPD completed during this period can only be counted towards one CPD period.</p> <p>As part of this consequential amendment, it will also be clarified that completed CPD may be counted towards multiple accreditations held by one person.</p>	Clarify that where CPD periods overlap, any CPD completed during the overlapping period can only be counted towards one CPD period. A new provision clarifying CPD may be counted towards multiple accreditations held by the one person.	<p>This means that where an accredited professional undertakes CPD during a three-month extension period, that CPD can only be counted towards one CPD period.</p> <p>It will also mean that a person accredited as Planning Level 2 <b>and</b> Planning Level 1, 3, 4 or Surveyor will no longer be required to complete 30 CPD units.</p>
11	An accredited professional must refrain from performing the functions of an accredited professional in relation to a development where they are employed by the body undertaking that development. This creates an issue for planning and building officers who are employed by councils and are required to assess development undertaken by council.	Under reg 30(2), State Government employees are exempt from this prohibition, so it is proposed to amend this exemption, so it also extends to planning and building officers working for a local council.	This means accredited professionals working in a local council can assess any development that the council itself undertakes (and is the applicant).
12	It is considered for an accredited professional who holds Planning Level 2, that the requirement to undertake 10 units of CPD under schedule 1, clause 3 is excessive.	Amend schedule 1, clause 3 to require a Planning Level 2 to undertake 4 units of CPD (one for each competency).	If an accredited professional is only accredited as a Planning Level 2, they will only have to complete 4 units of CPD (one for each competency) rather than 10 units.
	Following the review of the Accredited Professionals Scheme, industry has indicated 2 CPD units on ethics is too much considering the availability of courses.	Amend clauses 2 and 4 of schedule 1 to only require 1 unit of ethics (rather than 2) to be completed.	Planning and building accredited professionals will only be required to undertake 1 CPD unit of ethics for each CPD period.

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	<p>Planning Level 3, 4 and Surveyors should not be expected to undertake CPD in the professional competency 'performance-based planning', as they are currently limited to assessing 'deemed-to-satisfy' planning applications.</p>	<p>Remove the requirement for Planning Level 3, 4 and Surveyors to undertake CPD in 'performance-based planning' (but keep the required amount at 20 units).</p>	<p>Planning Level 3, 4 and Surveyors will no longer have to undertake CPD in the professional competency 'performance-based planning', as they only assess 'deemed-to-satisfy' planning applications.</p>
	<p>Building Level 4 accredited professionals should not be expected to undertake CPD in the professional competency 'decision making in development assessment', as they are limited to carrying out inspections.</p>	<p>Remove the requirement for Building Level 4 to undertake CPD in decision making in development assessment (but keep the required amount at 10 units).</p>	<p>Building Level 4 accredited professionals will no longer have to undertake CPD in the professional competency 'decision making in development assessment', as they only perform inspections.</p>
Sch 1	<p>Consequential amendments – see regs 12 and 10(1) above.</p>	<p>The first of the transitional provisions will mean that the changes to CPD requirements regarding the number of units will commence immediately.</p> <p>The second transitional provision allows any CPD that would have been caught if reg 25(2) had not changed (any CPD units completed before the previous anniversary date) to be counted towards the current CPD period.</p>	<p>This will mean that any application for renewal that is yet to be determined when the amendments commence will be assessed against the new CPD requirements.</p> <p>The second will mean that any CPD completed before an accredited professional's previous anniversary date will still be able to be counted towards their next renewal. For example, if the relevant anniversary date is 1 July 2023 and the accredited professional applies for continuation on 1 June 2023, CPD units completed from 1 June 2022 to 31 May 2023 may be counted. However, under the change in reg 10(1), only count CPD units completed from 1 July 2022 to 30 June 2023 may be counted (and CPD units completed in June 2022 could not be counted).</p>