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ACCREDITED PROFESSIONALS SCHEME DRAFT

August 2018



This document includes the draft Planning, Development and Infrastructure (Accredited Professionals) Regulations 2018; the draft Accredited Professional qualifications, experience and technical skills (determined by the Chief Executive under draft Regulation 5), and the draft Accredited Professionals Code of Conduct

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Government
of South Australia

Department of Planning,
Transport and Infrastructure

Planning, Development and Infrastructure (Accredited Professionals) Regulations 2018

Under the *Planning, Development and Infrastructure Act 2016*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2018*.

2—Commencement

These regulations will come into operation on the day on which section 88 of the Act comes into operation.

3—Interpretation

In these regulations—

Act means the *Planning, Development and Infrastructure Act 2016*;

accreditation authority means the Chief Executive;

approved form means a form approved by the Chief Executive and published on the SA planning portal;

classes of accreditation—see regulation 5;

CPD activity means an activity—

- (a) that is of significant educational, practical or technical content related to the activities of an accredited professional (taking into account the relevant class of accreditation under these regulations); and
- (b) that is conducted by a person qualified by practical or academic experience in the subject covered by the activity; and
- (c) that is relevant to the immediate or long-term professional development needs of an accredited professional who is undertaking the activity; and
- (d) that comprises—
 - (i) attendance at, or presenting material for, a lecture, seminar, conference, workshop, educational program or course; or
 - (ii) viewing or listening to material presented as part of a multi-media, web-based or recorded program; or
 - (iii) preparing material for any lecture, seminar, conference, workshop, educational program or course, or for any multi-media, web-based or recorded program;

CPD unit means 1 hour of a CPD activity;

disqualifying event means—

- (a) a finding of guilt for an offence against the Act or the repealed Act; or
- (b) a finding of guilt for an offence against any regulations under the Act (including these regulations) or the repealed Act; or
- (c) the suspension or cancellation of an accreditation under these regulations, or the suspension or cancellation of a registration under regulation 93A of the *Development Regulations 2008*; or
- (d) failing to comply with the requirements of section 15 of the Act; or

- (e) making a false or misleading statement in relation to any matter under the Act or the repealed Act, or any regulations under either Act (including these regulations); or
- (f) contravening or failing to comply with a code of conduct under clause 1(1) of Schedule 3 of the Act;

prescribed amount of CPD means the amount of continuing professional development set out in Schedule 1;

relevant CPD period means the relevant CPD period applying to an accredited professional under regulation 24(2) in a particular case.

Part 2—Classes of accreditation

Division 1—Classes

5—Classes

- (1) The following classes of accreditation are established:
 - (a) Accredited professional—planning level 1 (Assessment manager);
 - (b) Accredited professional—planning level 2 (Assessment panel member);
 - (c) Accredited professional—planning level 3 (Performance assessed development);
 - (d) Accredited professional—planning level 4 (Deemed to satisfy development);
 - (e) Accredited professional—building level 1 (Building surveyor);
 - (f) Accredited professional—building level 2 (Building surveyor (limited));
 - (g) Accredited professional—building level 3 (Assistant building surveyor);
 - (h) Accredited professional—building level 4 (Building inspector).
- (2) The qualifications, experience and technical skills required for each class of accreditation will be determined by the Chief Executive.
- (3) The Chief Executive—
 - (a) must ensure that the qualifications, experience and technical skills required under subregulation (2) are published on the SA planning portal; and
 - (b) may vary those qualifications, experience and technical skills from time to time.

Division 2—Authorised functions

6—Assessment manager

An Accredited professional—planning level 1 (Assessment manager) is authorised to perform, exercise or discharge the following functions, powers or duties:

- (a) acting as a relevant authority—
 - (i) in cases contemplated by the Act; or
 - (ii) in cases contemplated by the *Planning, Development and Infrastructure (General) Regulations 2017*;

- (b) other functions, powers or duties specified in the *Planning, Development and Infrastructure (General) Regulations 2017* as being capable of being performed, exercised or discharged by an Accredited professional—planning level 1 (Assessment manager).

7—Assessment panel member

An Accredited professional—planning level 2 (Assessment panel member) is authorised to perform, exercise or discharge the functions, powers or duties relevant to acting as a member of an assessment panel.

8—Accredited professional—planning level 3

An Accredited professional—planning level 3 (Performance assessed development) is authorised to perform, exercise or discharge the following functions, powers or duties:

- (a) acting as a relevant authority in cases contemplated by the *Planning, Development and Infrastructure (General) Regulations 2017*;
- (b) other functions, powers or duties specified in the *Planning, Development and Infrastructure (General) Regulations 2017* as being capable of being performed, exercised or discharged by an Accredited professional—planning level 3 (Performance assessed development).

9—Accredited professional—planning level 4

An Accredited professional—planning level 4 (Deemed to satisfy development) is authorised to perform, exercise or discharge the following functions, powers or duties:

- (a) acting as a relevant authority in cases contemplated by the *Planning, Development and Infrastructure (General) Regulations 2017*;
- (b) other functions, powers or duties specified in the *Planning, Development and Infrastructure (General) Regulations 2017* as being capable of being performed, exercised or discharged by an Accredited professional—planning level 4 (Deemed to satisfy development).

10—Accredited professional—building level 1

An Accredited professional—building level 1 (Building surveyor) is authorised to perform, exercise or discharge the following functions, powers or duties:

- (a) acting as a relevant authority—
 - (i) in cases contemplated by the Act; or
 - (ii) in cases contemplated by the *Planning, Development and Infrastructure (General) Regulations 2017*;
- (b) other functions, powers or duties specified in the *Planning, Development and Infrastructure (General) Regulations 2017* as being capable of being performed, exercised or discharged by an Accredited professional—building level 1 (Building surveyor).

11—Accredited professional—building level 2

An Accredited professional—building level 2 (Building surveyor (limited)) is authorised to perform, exercise or discharge the following functions, powers or duties:

- (a) acting as a relevant authority in cases contemplated by the *Planning, Development and Infrastructure (General) Regulations 2017*;
- (b) other functions, powers or duties specified in the *Planning, Development and Infrastructure (General) Regulations 2017* as being capable of being performed, exercised or discharged by an Accredited professional—building level 2 (Building surveyor (limited)).

12—Accredited professional—building level 3

An Accredited professional—building level 3 (Assistant building surveyor) is authorised to perform, exercise or discharge the following functions, powers or duties:

- (a) acting as a relevant authority in cases contemplated by the *Planning, Development and Infrastructure (General) Regulations 2017*;
- (b) other functions, powers or duties specified in the *Planning, Development and Infrastructure (General) Regulations 2017* as being capable of being performed, exercised or discharged by an Accredited professional—building level 3 (Assistant building surveyor).

13—Accredited professional—building level 4

An Accredited professional—building level 4 (Building inspector) is authorised to perform, exercise or discharge the functions, powers or duties specified in the *Planning, Development and Infrastructure (General) Regulations 2017* as being capable of being performed, exercised or discharged by an Accredited professional—building level 4 (Building inspector).

Part 3—General provisions relating to accreditation

Division 1—Obtaining accreditation

14—Application

- (1) A person may apply to the accreditation authority for accreditation under these regulations.
- (2) The application must—
 - (a) be in the approved form; and
 - (b) specify the class of accreditation to which the application relates; and
 - (c) be supported by any information specified in the approved form; and
 - (d) be accompanied by the relevant fee prescribed by the *Planning, Development and Infrastructure (Fees and Charges) Regulations 2019*.
- (3) The accreditation authority may request an applicant—
 - (a) to provide such additional documents or information as the accreditation authority may reasonably require to assess the application; and

- (b) to remedy any defect or deficiency in any application or accompanying document or information required under these regulations.

15—Consideration of application

- (1) In considering an application for accreditation, the accreditation authority must be satisfied that the applicant—
 - (a) has the qualifications and experience required under these regulations for the accreditation to which the application relates; and
 - (b) is a fit and proper person to be an accredited professional under the Act.
- (2) Without limiting subregulation (1)(b), in making an assessment under that subregulation the accreditation authority may take into account whether the applicant has been involved in a disqualifying event.
- (3) After considering an application for accreditation, the accreditation authority may—
 - (a) approve the application and register the applicant as an accredited professional; or
 - (b) refuse the application.
- (4) As soon as practicable after making a decision on an application, the accreditation authority must give notice of the decision to the applicant.
- (5) If the accreditation authority refuses an application, it must include in the notice of the decision—
 - (a) the reasons for the refusal; and
 - (b) the rights of review that the applicant has under these regulations.

16—Conditions

- (1) An accreditation will be subject to the following conditions:
 - (a) subject to subregulation (2), that the accredited professional must hold a policy for professional indemnity insurance that is reasonable and adequate taking into account the amount and nature of work undertaken by the accredited professional;
 - (b) any condition that the accreditation authority may impose that limits the scope of the accreditation;
 - (c) any other condition—
 - (i) determined by the accreditation authority in relation to the accreditation; or
 - (ii) otherwise specified or imposed by or under these regulations.
- (2) Subregulation (1)(a) does not apply to the following accredited professionals if the accredited professional is covered by another form of indemnity scheme or arrangement that is approved by the accreditation authority for the purposes of this subregulation:
 - (a) an Accredited professional—planning level 1 (Assessment manager);
 - (b) an Accredited professional—planning level 2 (Assessment panel member);

- (c) an accredited professional who is an employee of the State or a council (when acting within their scope of employment).
- (3) The accreditation authority may, if the accreditation authority considers it appropriate to do so, vary a condition that applies in relation to a particular accredited professional.
- (4) An accredited professional may, on application to the accreditation authority in the approved form, request the variation of a condition to which the accreditation is subject and the accreditation authority may, as it thinks fit—
 - (a) grant the variation; or
 - (b) refuse to grant the variation.
- (5) Conditions of an accreditation may be varied by the addition, substitution or deletion of 1 or more conditions.
- (6) A person must not contravene or fail to comply with a condition of an accreditation.
Maximum penalty: \$10 000.

17—Duration of accreditation

An accreditation continues in force (unless sooner surrendered or cancelled) for a period of 1 year.

18—Renewal of accreditation

- (1) A person may apply to the accreditation authority for the renewal of an accreditation under these regulations.
- (2) The application must—
 - (a) be in the approved form; and
 - (b) be supported by any information specified in the approved form; and
 - (c) without limiting paragraph (b), be supported by information specified by the approved form for the purposes of Part 4; and
 - (d) be accompanied by the relevant fee prescribed by the *Planning, Development and Infrastructure (Fees and Charges) Regulations 2019*; and
 - (e) be made at least 28 days before the date of expiry of the accreditation.
- (3) The accreditation authority may, if the accreditation thinks fit, determine a late application for renewal provided that the applicant pays the late payment fee prescribed by the *Planning, Development and Infrastructure (Fees and Charges) Regulations 2019*.
- (4) If an application for the renewal of an accreditation (being an application under subregulation (2)(e) or (3)) is not decided before the date on which the accreditation is due to expire, the accreditation continues in operation until the application is decided and, if the accreditation is renewed, the renewal dates from the date on which the accreditation would, but for this subregulation, have expired.
- (5) The accreditation authority may refuse to consider an application for renewal if the application is made earlier than 2 months before the accreditation is due to expire.

19—Surrender

An accredited professional may, by written notice given to the accreditation authority, surrender the accreditation.

Division 2—Cancellation or suspension of accreditation

20—Cancellation or suspension

- (1) The accreditation authority may cancel or suspend an accreditation if 1 or more of the grounds specified in subregulation (2) applies.
- (2) The following grounds are specified:
 - (a) events have occurred such that the accredited professional would not be entitled to be granted accreditation if the person were to apply for accreditation;
 - (b) the accredited professional, in the performance, exercise or discharge, or purported performance, exercise or discharge, of a function, power or duty under the Act or any regulations under the Act (including these regulations), failed to comply with a provision of the Act or regulations;
 - (c) without limiting paragraph (b), the accredited professional has failed to comply with a requirement of these regulations;
 - (d) without limiting paragraph (c), the accredited professional has contravened or failed to comply with a condition of the accreditation;
 - (e) the accredited professional has contravened or failed to comply with a relevant code of conduct under clause 1(1)(c) or (d) of Schedule 3 of the Act;
 - (f) the accreditation authority considers that the accredited professional obtained the accreditation improperly or on the basis of false or misleading information;
 - (g) any other ground for the cancellation of the accreditation specified by these regulations; or
 - (h) the accredited professional—
 - (i) is otherwise, in the opinion of the accreditation authority, no longer a fit and proper person or otherwise suitable to hold an accreditation under these regulations; or
 - (ii) has otherwise acted in an unprofessional or inappropriate manner, or failed to professionally discharge a responsibility under the Act.

21—Notice of proposed cancellation or suspension

- (1) If the accreditation authority proposes to cancel or suspend an accreditation, the accreditation authority must give the accredited professional notice of the proposal and the accreditation authority's reasons for the proposal.
- (2) The notice must state that within a specified period after the notice is given, the accredited professional may make written representations to the accreditation authority concerning the proposal and the accreditation authority must not give effect to the proposal without considering any representations received within the specified period.

22—Effect or period of cancellation or suspension

- (1) A cancellation may have effect, as specified by the accreditation authority—
 - (a) permanently; or
 - (b) for a specified period; or
 - (c) until the fulfilment of specified conditions; or
 - (d) until further determination of the accreditation authority.
- (2) A suspension may have effect, as specified by the accreditation authority—
 - (a) for a specified period; or
 - (b) until the fulfilment of specified conditions; or
 - (c) until further determination of the accreditation authority.

Division 3—Register of accreditations

23—Register

- (1) The accreditation authority must keep a register of accredited professionals.
- (2) The register must include, in relation to each person on the register—
 - (a) the person's full name and nominated contact address; and
 - (b) the qualifications and experience for accreditation held by the person; and
 - (c) particulars of any condition of registration or other limitation that specifically relates to the person as an accredited professional.
- (3) The register may include such other information as the accreditation authority thinks fit.
- (4) The accreditation authority must ensure that the register is accessible via the SA planning portal.

Part 4—Continuing professional development

24—CPD scheme

- (1) It is a condition of an accreditation issued or renewed under these regulations that the accredited professional will undertake the prescribed amount of Continuing Professional Development (**CPD**).
- (2) Subject to this regulation, before the accreditation authority renews an accreditation, the accredited professional must first satisfy the accreditation authority that the accredited professional has completed the prescribed amount of CPD in the period of 12 months immediately preceding the date of the application for renewal being lodged with the accreditation authority (the **relevant CPD period**).
- (3) If an accredited professional who has applied for a renewal of accreditation has not completed the prescribed amount of CPD in respect of the relevant CPD period, the accreditation authority may, on application by the accredited professional under this subregulation, if satisfied that it is reasonable to do so, after taking into account the criteria specified in subregulation (5)—

- (a) excuse the accredited professional from the requirements of the scheme set out in subregulations (1) and (2); and
 - (b) if the accreditation authority thinks fit—determine to renew the accreditation subject to a condition or conditions determined to be appropriate by the accreditation authority.
- (4) Without limiting subregulation (3)(b), a condition of accreditation may limit the functions or powers that the accredited professional may perform or exercise during a period specified in the condition (including as to prohibit the performance or exercise of specified functions or powers that the accredited professional would otherwise be entitled to perform or exercise under the Act or under these or any other regulations under the Act).
- (5) The following criteria are prescribed:
 - (a) that the accredited professional has been unable to complete the prescribed amount of CPD because of—
 - (i) being pregnant or taking leave from work due to the birth of a child; or
 - (ii) being seriously ill or severely disabled; or
 - (iii) being required to care for a member of the accredited professional's immediate family for an extended period of time; or
 - (iv) being under severe financial stress;
 - (b) that there are other unavoidable or extenuating circumstances that made it exceptionally difficult for the accredited professional to participate in compulsory professional development over the course of the relevant CPD period, or a substantial part of the relevant CPD period.
- (6) An application by an accredited professional under subregulation (3) must be by way of statutory declaration lodged with the accreditation authority which—
 - (a) sets out the evidence on which the accredited professional relies for the purposes of subregulations (3) and (5); and
 - (b) sets out the steps (if any) that the accredited professional intends to take to improve or achieve compliance with the requirements of this Part (and Schedule 1) if the accreditation is renewed.

25—Records

- (1) An accredited professional must, in respect of each CPD period that applies in relation to the accredited professional's accreditation, maintain and retain for 6 years after the end of that CPD period—
 - (a) a written record of CPD activities undertaken and of the CPD units completed; and
 - (b) material indicating the nature of each CPD activity; and
 - (c) a record of the fact that the accredited professional undertook each such activity.

- (2) An accredited professional must provide the accreditation authority, within 14 days of receipt of a written request from the accreditation authority, information about the accredited professional's compliance with the requirements of this Part (and Schedule 1) compiled and maintained under subregulation (1).
- (3) This regulation does not derogate from the requirements imposed on an accredited professional to provide information about the accredited professional's continuing professional development as part of an application for the renewal of their accreditation.

Part 5—Audits

26—Audits

- (1) This regulation does not apply to an Accredited Professional—planning level 2 (Assessment Panel Member) in relation to the performance, exercise of discharge of a function, power or duty as a member of an assessment panel.
- (2) For the purposes of this regulation, a person is a qualified auditor if—
 - (a) the person—
 - (i) satisfies the Chief Executive that they hold appropriate qualifications or experience in planning or building assessment or a related discipline; and
 - (ii) holds a current approval issued by the Chief Executive for the purposes of this regulation; or
 - (b) the person is acting under a memorandum of understanding entered into between the Chief Executive and an association or other body in connection with the conduct of audits under this regulation; or
 - (c) the person is an employee of the State and the Chief Executive considers that the person is suitably qualified to act as a qualified auditor under this regulation.
- (3) An approval under subregulation (2)(a), or a memorandum under subregulation (2)(b), may relate to—
 - (a) planning assessment audits; or
 - (b) building assessment audits,(or both) as specified by the Chief Executive.
- (4) It is a condition of the accreditation of an accredited professional to which this regulation applies—
 - (a) that they must have their activities in relation to the assessment of development under the Act audited by a qualified auditor in accordance with this regulation (a *periodic audit*); and
 - (b) that they must allow a qualified auditor to audit their activities in relation to the assessment of development under the Act if so directed by the accreditation authority.
- (5) The purposes of an audit are—
 - (a) to check whether the processes and procedures associated with the assessment of development, and the granting of any relevant consents, have been undertaken in accordance with the requirements of the Act, and any relevant regulations under the Act; and

- (b) to check any other matter determined by the accreditation authority for the purposes of this regulation.
- (6) The first periodic audit under subregulation (4)(a) must be completed in relation to an accredited professional—
 - (a) if the accredited professional is carrying on business as an accredited professional on the commencement of these regulations—within 5 years after that commencement; or
 - (b) if the accredited professional commences business as an accredited professional after the commencement of these regulations—within 5 years after the date on which the accredited professional commences business.
- (7) Thereafter, an accredited professional must ensure that a periodic audit is completed at least once in every 5 years.
- (8) An accredited professional must, when renewing their accreditation under these regulations, provide, in a manner determined by the accreditation authority, evidence of compliance with this regulation (insofar as may be relevant).
- (9) It will be a ground for the cancellation of the accreditation of an accredited professional if—
 - (a) the accredited professional has not complied with subregulation (6) or (7); or
 - (b) the accreditation authority considers that the accredited professional has not adequately addressed any matter identified by a qualified auditor during the course of an audit under this regulation.
- (10) An audit under this regulation will relate to an antecedent period, not exceeding 5 years, determined to be appropriate by the qualified auditor.
- (11) An audit under this regulation may be conducted by—
 - (a) analysing processes and procedures that have been employed by the accredited professional to ensure compliance with the requirements of the Act and any relevant regulations under the Act; and
 - (b) examining random or selective samples of documents or other records to check on processes and procedures or to ascertain any other relevant matter; and
 - (c) conducting interviews of persons who may be able to provide information relevant to the audit; and
 - (d) taking such other steps or making such other inquiries as the qualified auditor thinks fit.
- (12) A qualified auditor must, before finalising a report for the purposes of this regulation, give a copy of the report to the accredited professional to provide a response with a view to correcting any error of fact.
- (13) A qualified auditor must report to the accreditation authority any contravention or failure on the part of the accredited professional to comply with the requirements of the Act or any regulations under the Act, or any relevant code or other instrument, in a significant respect or to a significant degree in undertaking assessments identified by the auditor during the course of an audit.

- (14) If a qualified auditor provides a report to the accreditation authority under subregulation (13), the accreditation authority may, after taking such action as the accreditation authority thinks fit—
- (a) make recommendations to the accredited professional; or
 - (b) give directions to the accredited professional to rectify any matter, or to take any other action, with a view to preventing the recurrence of any act, failure or irregularity; or
 - (c) impose conditions on the accreditation of the accredited professional; or
 - (d) alter the accreditation of the accredited professional to a lower level of accreditation; or
 - (e) take action under these regulations to cancel or suspend the accredited professional's accreditation.
- (15) If—
- (a) the accreditation authority makes a recommendation under subregulation (14); and
 - (b) the accreditation authority subsequently considers that the accredited professional has not, within a period specified by the accreditation authority, taken appropriate action in view of the recommendation,
- the accreditation authority may, after consultation with the accredited professional, give directions to the accredited professional.
- (16) If—
- (a) the accreditation authority gives a direction under subregulation (14) or (15); and
 - (b) the accreditation authority subsequently considers that the accredited professional has not, within a period specified by the accreditation authority, taken appropriate action to comply with the direction,
- the accreditation authority may take action under these regulations to cancel or suspend the accredited professional's accreditation.
- (17) Nothing in this regulation limits or affects any other provision made by or under these regulations with respect to the accreditation of an accredited professional.

Part 6—Complaints

27—Complaints

- (1) In this regulation—

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 Act.
- (2) A person may make a complaint to the accreditation authority about an accredited professional if the person believes—
 - (a) that the accredited professional has failed to comply with, or acted in contravention of, the Act or any regulations under the Act (including these regulations) with respect to any matter associated with any assessment, decision, permission, consent, approval, authorisation, certificate or process that relates to any development (or proposed development); or
 - (b) without limiting paragraph (a), that the accredited professional has acted in manner that constitutes an offence under section 91 of the Act; or
 - (c) that the accredited professional has acted in contravention of the code of conduct.
- (3) A complaint must—
 - (a) be made in the approved form; and
 - (b) contain particulars of the allegation on which the complaint is based; and
 - (c) be verified by statutory declaration.
- (4) Except with the approval of the accreditation authority, a complaint must not be lodged with the accreditation authority more than 6 months after the day on which the complainant first had notice of the matters alleged in the complaint.
- (5) The accreditation authority may require the complainant to give further particulars of the complaint (verified, if the accreditation authority so requires, by statutory declaration).
- (6) The accreditation authority may refuse to entertain a complaint or, having accepted a complaint for investigation, may refuse to entertain a complaint, if it appears to the accreditation authority—
 - (a) that the complainant does not have a sufficient interest in the matter to which the complaint relates; or
 - (b) that the matter raised by the complaint is trivial; or
 - (c) that the complaint is frivolous or vexatious or is not made in good faith; or
 - (d) that it would be more appropriate for proceedings to be initiated in a court or tribunal constituted by law, or for the matter to be handled by another authority; or
 - (e) that there is some other good reason not to proceed (or further proceed) with the matter under this regulation.
- (7) The accreditation authority may appoint a person to investigate the complaint.

- (8) If the accreditation authority appoints an investigator—
- (a) the accreditation authority must inform the accredited professional to whom the complaint relates of the appointment of the investigator and furnish formal notification of the nature of the complaint; and
 - (b) the investigator must conduct an investigation into the complaint as soon as practicable after the appointment has been made; and
 - (c) the investigator must give the accredited professional a reasonable opportunity to make representations to the investigator about the complaint; and
 - (d) the investigator may require the accredited professional to provide to the investigator any document or other information relevant to the investigation of the complaint (verified, if the investigator so requires, by statutory declaration); and
 - (e) the investigator—
 - (i) must otherwise comply with the rules of natural justice; and
 - (ii) subject to subparagraph (i), may conduct the investigation in such a manner as the investigator thinks fit (including by undertaking such other consultations and undertaking such other inquiries as the investigator thinks fit).
- (9) If during an investigation the investigator is satisfied that there is a matter about which another complaint could have been made against the accredited professional, the investigator may, after consultation with the accreditation authority, deal with the matter as if a complaint had been made about the matter.
- (10) The investigator—
- (a) may report to the accreditation authority at any stage of the investigation; and
 - (b) must report to the accreditation authority at the conclusion of the investigation.
- (11) The accreditation authority must provide the person to whom the complaint relates with a copy of a report presented under subregulation (10)(b) (and the accreditation authority may, if the accreditation authority thinks fit, invite a response from the person).
- (12) The accreditation authority may, on the receipt of a report under subregulation (10)(b), or at the conclusion of any process that the accreditation authority has adopted in the alternative—
- (a) decide to take no further action on the complaint; or
 - (b) undertake any consultation or further inquiry as the accreditation authority thinks fit; or
 - (c) caution or reprimand the accredited professional; or
 - (d) make recommendations to the accredited professional; or
 - (e) impose conditions on the accreditation of the accredited professional; or
 - (f) alter the accreditation of the accredited professional to a lower level of accreditation; or

- (g) take action under these regulations to cancel or suspend the accredited professional's accreditation; or
 - (h) take such other action as the accreditation authority thinks fit.
- (13) The accreditation must inform the complainant of the outcome of a complaint under subregulation (12).
- (14) Nothing in this regulation limits or restricts any other action or proceeding that may be taken against or in relation to an accredited professional.

Part 7—Review of decisions

28—Review of decisions

- (1) In this regulation—

person affected means—

- (a) in relation to a reviewable decision about an application for accreditation, the applicant; or
- (b) in relation to any other reviewable decision, the accredited professional whose accreditation is affected by the decision;

reviewable decision means a decision of the accreditation authority under these regulations—

- (a) to refuse to grant an accreditation; or
- (b) to impose a condition on an accreditation, to vary a condition of an accreditation, or to refuse an application to vary a condition of an accreditation; or
- (c) to refuse to renew an accreditation; or
- (d) to alter the accreditation of an accredited professional to a lower level of accreditation; or
- (e) to cancel or suspend an accreditation.

SACAT means the South Australian Civil and Administrative Tribunal.

- (2) A person affected by a reviewable decision may apply to SACAT for a review of the decision.
- (3) An application for review may be made to SACAT within 28 days after the making of the relevant decision (or such longer period as SACAT may allow).
- (4) SACAT is vested with jurisdiction to review a reviewable decision.

Part 8—Miscellaneous

29—Circumstances in which an accredited professional may not act

- (1) An accredited professional must not perform any function of an accredited professional in relation to a development—
 - (a) if the accredited professional has been involved in any aspect of the planning or design of the development (other than through the provision of preliminary advice of a routine or general nature); or
 - (b) if the accredited professional has a direct or indirect pecuniary interest in any aspect of the development or anybody associated with any aspect of the development; or
 - (c) if the accredited professional is employed by any person or body associated with any aspect of the development.
- (2) Subregulation (1)(b) and (c) do not apply to an officer or employee of the Crown (when acting in their capacity as such).
- (3) A person who contravenes subregulation (1) is guilty of an offence. Maximum penalty: \$10 000.

30—Acting without accreditation

A person must not purportedly act as an accredited professional unless the person holds an accreditation under these regulations.

Maximum penalty: \$10 000.

31—Cancellation of professional indemnity insurance

An insurer under a professional indemnity insurance policy taken out by an accredited professional under these regulations must give the accreditation authority at least 10 business days written notice of an intention to cancel the policy.

32—Service of notices

A document or notice that must be given served on a person by the accreditation authority on a person under these regulations may be given, served or provided as follows:

- (a) by personal service on the person;
- (b) by leaving it for the person at the person's usual or last known place of residence or business—
 - (i) with a person apparently over the age of 16 years; or
 - (ii) by placing it in a letter box, or in a conspicuous place; or
- (c) by posting it in an envelope addressed to the person at the person's usual or last known place of residence or business; or
- (d) by sending it by using an email address known to be used by the person (in which case the document or notice will be taken to have been given or served at the time of transmission).

33—Identity cards

- (1) The accreditation authority may issue an identity card to an accredited professional—
 - (a) containing a photograph of the accredited professional; and
 - (b) setting out the powers of the accredited professional in such manner as the accreditation authority thinks fit.
- (2) If a person who has been issued with an identity card ceases to be an accredited professional, the person must return the identity card to the accreditation authority within 5 business days after the accreditation comes to an end.

Maximum penalty: \$1 000.

34—Delegation

- (1) The accreditation authority may delegate any of the accreditation authority's functions or powers under these regulations.
- (2) A delegation—
 - (a) may be made—
 - (i) to a particular person or body; or
 - (ii) to the person for the time being occupying a particular office or position; and
 - (b) may be made subject to conditions or limitations specified in the instrument of appointment; and
 - (c) if the instrument so provides, may be further delegated by the delegate; and
 - (d) is revocable at will and does not derogate from the power of the accreditation authority to act in any matter.

Schedule 1—Continuing professional development

1—Preliminary

The Chief Executive may—

- (a) recognise a particular activity as a CPD activity for the purposes of this Schedule;
- (b) determine what is required in order for a course or other activity to be recognised as a professional competency for the purposes of this Schedule.

2—Planning (levels 1, 3 and 4)

- (1) This clause applies in relation to—
 - (a) an Accredited professional—planning level 1 (Assessment manager); and
 - (b) an Accredited professional—planning level 3 (Performance assessed development); and
 - (c) an Accredited professional—planning level 4 (Deemed to satisfy development).

- (2) The amount of continuing professional development required to be obtained by an accredited professional to which this clause applies in the relevant CPD period is 20 CPD units.
- (3) The 20 CPD units required under subclause (2) must include at least the following number of units in the following professional competencies:
 - (a) 2 units in performance based planning or design;
 - (b) 2 units in decision making in development assessment;
 - (c) 2 units in legislative compliance;
 - (d) 2 units in ethics in planning.

3—Planning (level 2)

- (1) This clause applies in relation to an Accredited professional—planning level 2 (Assessment panel member).
- (2) The amount of continuing professional development required to be obtained by an accredited professional to which this clause applies in the relevant CPD period is 10 CPD units.
- (3) The 10 CPD units required under subclause (2) must include at least the following number of units in the following professional competencies:
 - (a) 1 unit in performance based planning or design;
 - (b) 1 unit in decision making in development assessment;
 - (c) 1 unit in governance;
 - (d) 1 unit in ethics in planning.

4—Building (levels 1, 2 and 3)

- (1) This clause applies in relation to—
 - (a) an Accredited professional—building level 1 (Building surveyor); and
 - (b) an Accredited professional—building level 2 (Building surveyor (limited)); and
 - (c) an Accredited professional—building level 3 (Assistant building surveyor).
- (2) The amount of continuing professional development required to be obtained by an accredited professional to which this clause applies in the relevant CPD period is 20 CPD units.
- (3) The 20 CPD units required under subclause (2) must include at least the following number of units in the following professional competencies:
 - (a) 2 units in construction practices and principles;
 - (b) 2 units in the application of performance based building code matters;
 - (c) 2 units in decision making in development assessment;
 - (d) 2 units in legislative compliance;
 - (e) 2 units in ethics in development.

5—Building (level 4)

- (1) This clause applies in relation to an Accredited professional—building level 4 (Building inspector).
- (2) The amount of continuing professional development required to be obtained by an accredited professional to which this clause applies in the relevant CPD period is 10 CPD units.
- (3) The 10 CPD units required under subclause (2) must include at least the following number of units in the following professional competencies:
 - (a) 1 unit in construction practices and principles;
 - (b) 1 unit in the application of performance based building code matters;
 - (c) 1 unit in decision making in development assessment;
 - (d) 1 unit in legislative compliance;
 - (e) 1 unit in ethics in development.

Schedule 2—Transitional provisions

1—Interpretation

In this Schedule—

designated day means the day on which these regulations come into operation.

2—Current private certifiers

- (1) The following provisions apply in relation to a person who is registered as a private certifier under regulation 93A of the *Development Regulations 2008* immediately before the designated day:
 - (a) on the designated day, the person will be taken to be an accredited professional under these regulations;
 - (b) the person will be taken to hold the class of accreditation that most closely corresponds to the functions or activities that the person was authorised to perform as a private certifier under the *Development Regulations 2008* immediately before the designated day, as determined by the accreditation authority;
 - (c) the accreditation that the person holds under this Schedule will have effect until the anniversary of the person's registration under section 93A of the *Development Regulations 2008* next occurring on or after the designated day (and the person may apply for accreditation under these regulations to replace the accreditation conferred by this Schedule);

- (d) the person will continue to be subject to any action, investigation or other process under regulation 93A(7) or (8), or 103, of the *Development Regulations 2008*, and the outcome of any such process may have effect for the purposes of the person's accreditation under this Schedule (with the accreditation authority being able to exercise any power that would have been exercised by the Minister (or a registration authority under the *Development Regulations 2008*) in relation to the person's registration as if the person's registration under those regulations constituted accreditation under these regulations).
- (2) Nothing in this clause limits the operation of the other provisions of these regulations in relation to accredited professionals or any accreditation conferred by this Schedule.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

on the recommendation of the Minister acting in association with the Commissioner for Consumer Affairs and with the advice and consent of the Executive Council

on

No of 2018

Accredited Professional qualifications, experience and technical skills required by the Chief Executive under Regulation 5 of the draft *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2018*

Accredited Professionals – Planning levels

LEVEL 1: ASSESSMENT MANAGER

Qualification and experience - Relevant planning qualification as determined by the chief executive under regulation 5 of the *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2018* and minimum 5 years full time or equivalent experience considered appropriate by the accrediting authority and covering at least 6 months experience in at least three of the following technical skills:

- Plan making, including strategic planning, master planning and structure planning.
- Planning policy development, review and/or policy interpretation and advice.
- Plan implementation including development assessment and statutory planning.
- Place-making and urban design.
- Assessment of impacts and effects of policy and development actions including environmental, social, cultural, transport, built form, and economic.
- Land use assessment and management, including planning for climate change mitigation and adaptation and the assessment of natural resources.
- Research, evaluation and publishing of urban and regional related planning matters.
- Teaching of planning.
- Planning expert witness and/or advocate.
- Communication, negotiation and/or mediation for planning outcomes with stakeholders.
- Designing and/or delivering community engagement of planning related matters.
- Administration and/or leadership of urban and regional governance.
- Preparation and/or prosecution of planning law.
- Project management of planning related matters.

In addition a two year transitional period applies from the date of initial accreditation during which the accredited professional must demonstrate peer reviewed compliance (in accordance with a process established by the CE) with the following 5 core competencies:

- Professionalism and Integrity
 - Maintaining high ethical and moral standards, including honesty and integrity, respect for others and trustworthiness, and providing 'frank and fearless' advice
 - Being accountable for self and to colleagues
 - Continuing commitment to quality planning and leading practice
 - Continuing commitment to learning and advancing the field through recognition of research and trends
 - Reflecting upon and learning from actions and decisions

- Understanding, interpreting and using spatial thinking
 - Applying design thinking to create options for achieving desired outcomes
 - Using communication tools and technologies to convey spatial information and build spatial awareness and understanding
 - Using visualisation and graphic / spatial interpretation to convey the desired outcomes and decision-making
 - Demonstrating the links between spatial structures and socio-economic processes
- Using a creative and integrative approach, drawing on a range of disciplines and methods
 - Flexibility and openness to alternative approaches
 - Applying insights from a range of planning related disciplines
 - Synthesising multiple views and diverse information to create new perspectives
 - Facilitating solutions that address a range of potentially competing needs and interests
 - Effective leadership and participation in multi-disciplinary teams or project groups
- Communicating and engaging with stakeholders
 - Obtaining feedback through formalised consultation with all sections of the community
 - Heeding and acknowledging client / community issues and concerns, and providing feedback of how public input influenced decisions
 - Collaborating with stakeholders in each aspect of decision making, including developing alternatives and identifying the preferred solution
 - Awareness and use of social media
- Understanding and working with planning frameworks
 - Interpreting policy and other frameworks in ways that ensure compliance, while not constraining innovation and creativity in the development of solutions
 - Adhering to and applying legislative and other frameworks to a particular context. These frameworks are likely to include:
 - Planning systems
 - Planning law
 - Courts and other disputes processes
 - Other applicable legislation

Recognised equivalent scheme - persons may be eligible for this level of accreditation if they are a member of an equivalent scheme that requires members to hold a planning or planning related tertiary qualifications together with 5 years full time or equivalent experience, covering at least 6 months experience in at least three of the level 1 technical skills.

In addition a two year transitional period applies from the date of initial accreditation during which the accredited professional must demonstrate peer reviewed compliance (in accordance with a process established by the CE) with the level 1 core competencies.

LEVEL 2: ASSESSMENT PANEL MEMBER

Qualification and experience - Relevant planning qualification as determined by the chief executive under regulation 5 of the *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2018* and a minimum 2 years full time or equivalent experience considered appropriate by the accrediting authority and covering at least 6 months experience in at least three of the technical skills applying to a Level 1: Assessment Manager

or

qualification in a planning related field (e.g. architecture, engineering, environmental management, law, construction management) and membership of an allied industry body to the satisfaction of the CE together with 2 years full time or equivalent experience considered appropriate by the accrediting authority and covering at least 6 months experience in at least three of the following technical skills:

- Planning or planning related policy development, review and/or policy interpretation and advice.
- Communication, negotiation and/or mediation for planning or planning related outcomes with stakeholders.
- Designing and/or delivering community engagement of planning or planning related matters.
- Administration and/or leadership of urban and regional governance.
- Project management of planning or planning related matters.

Recognised equivalent scheme - persons may be eligible for this level of accreditation if they are a member of an equivalent scheme that requires members to hold a planning or planning related tertiary qualifications together with 2 years full time or equivalent experience, covering at least 6 months experience in at least three of the level 1 technical skills.

LEVEL 3: ACCREDITED PLANNING PROFESSIONAL – PERFORMANCE ASSESSED DEVELOPMENT

Qualification and experience - Relevant planning qualification as determined by the chief executive under regulation 5 of the *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2018* and minimum 3 years equivalent of full time experience considered appropriate by the accrediting authority and covering at least 6 months experience in at least three of the level 1 technical skills.

Recognised equivalent scheme - persons may be eligible for this level of accreditation if they are a member of an equivalent scheme that requires members to hold a planning or planning related tertiary qualifications together with 3 years full time or equivalent experience, covering at least 6 months experience in at least three of the level 1 technical skills.

LEVEL 4: ACCREDITED PLANNING PROFESSIONAL – DEEMED TO SATISFY DEVELOPMENT

Qualification and experience - Relevant planning qualification as determined by the chief executive under regulation 5 of the *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2018* and a minimum 1 year equivalent of full time experience considered appropriate by the accrediting authority and covering at least 6 months experience in at least three of the level 1 technical skills.

Recognised equivalent scheme - persons may be eligible for this level of accreditation if they are a member of an equivalent scheme that requires members to hold a planning or planning related tertiary qualifications together with 1 year full time or equivalent experience, covering at least 6 months experience in at least three of the level 1 technical skills.

Relevant planning qualifications

Relevant planning qualifications recognised for the purposes of the accredited professionals scheme are as set out in the table below:

ACT

University of Canberra

- Master of Urban and Regional Planning (MURP)
Accreditation: to 31 December 2018

Previous Courses Accredited:

- Bachelor of Urban & Regional Planning (BURP)
Accreditation for students enrolled in 2016 or prior

New South Wales

University of New South Wales

Courses:

- Bachelor of City Planning (Hons). Accredited until 2020
- Bachelor of City Planning (Hons)/Bachelor of Laws. Accredited until 2020
- Master of City Planning. Accreditation until 2020

Previous Course with Accreditation:

- Master of Town Planning – course accredited prior to 1997 only (no longer offered).
- Bachelor of Town Planning – course accredited prior to 2007 (no longer offered)
- Bachelor of Planning (B Plan) – Course accredited for enrolments prior to 2016
- Master of Planning (MPlan) – Course accredited for enrolments prior to 2016
- A program of study consisting of the Master of Urban Development & Design (MUDD) including a planning major within the elective structure of the degree, plus a further semester of study, comprising 24 Units of Credit of professional planning courses. - Course accredited for enrolments prior to 2016

University of Sydney

Current Courses:

- Master of Urban and Regional Planning. Accreditation until Dec 2020
- Master of Urbanism – Urban and Regional Planning Specialisation
Accreditation until Dec 2018

Previous Course with Accreditation:

- Graduate Diploma in Urban and Regional Planning –
Course accredited prior to 2000 only (no longer offered)
- Master of Urban Design (Urban Design & Planning Specialisation)

University of Technology, Sydney

Current Courses:

- Master of Planning
Accreditation until Dec 2020

Macquarie University

Courses:

- Master of Planning (previously known as Master of Environmental Planning) -
Accreditation: to 31 December 2018
- Bachelor of Planning
Accreditation: to 31 December 2018

University of New England

Current Courses:

- Bachelor of Urban & Regional Planning
- Graduate Diploma of Urban & Regional Planning
- Master of Urban & Regional Planning
Accreditation: to 31 December 2019

Charles Sturt University

Previous Course with Accreditation:

- Bachelor of Applied Science (Planning) –
Course accredited prior to 1990 only (no longer offered)

Western Sydney University

Course:

- Bachelor of Planning (Pathway to Master of Urban Management and Planning)
Accreditation: to 31 December 2018
- Master of Urban Management and Planning (MUMP, 1 year) combined with Master of
Urban Management and Planning (MUMP, 1 year)
Accreditation: to 31 December 2018
- Master of Planning
Accreditation: to December 2018

Previous Course with Accreditation:

- Bachelor of Planning (no longer offered)

Southern Cross University

Course:

- Bachelor of Regional and Urban Planning (Honours)
Interim accreditation until 31 Dec 2019

Northern Territory

Northern Territory University

Previous Course with Accreditation:

- Graduate Diploma in Regional & Urban Planning – course accredited prior to 1999 only (no longer offered)

Queensland

The University of Queensland

Current Courses:

- Bachelor of Regional & Town Planning
- Master of Urban & Regional Planning
Accreditation approved until 2021

Griffith University

Current Courses:

- Bachelor of Urban & Environmental Planning - Nathan and Gold Coast campus
- Bachelor of Urban & Environmental Planning with Honours - Nathan and Gold Coast campus
- Bachelor of Urban & Environmental Planning / Bachelor of Science - Nathan and Gold Coast campus
- Master in Urban and Environmental Planning - Nathan Campus
Accreditation: to 31 December 2021

Previous Course with Accreditation:

- Bachelor of Law / Bachelor of Environmental Planning (Urban & Regional Planning Stream)
Accreditation to 2016

Queensland University of Technology

Current Courses:

- Bachelor of Urban Development (Urban and Regional Planning)
Accredited until Dec 31 2019
- Bachelor of Urban Development (Urban and Regional Planning) major (Honours)
Accredited until Dec 31 2018

Previous Course with Accreditation:

- Postgraduate Diploma in Urban and Regional Planning (accreditation to 2010)
- Integrated Graduate Certificate/Master of Urban Development (Urban and Regional Planning Planning) Program (accreditation to 2014)

James Cook University

Courses:

- Bachelor of Planning
- Masters of Tropical Urban and Regional Planning
Accreditation: to 31 December 2019

Previous Course with Accreditation:

- Bachelor of Applied Science (Environmental & Urban Planning)
- Graduate Diploma (Tropical Urban and Regional Planning)
- Masters in Applied Science in Urban and Regional Planning
Accreditation: to 2011

University of Sunshine Coast

Current Course:

- Bachelor of Urban Design and Town Planning (Honours) (previously known as Bachelor of Regional and Urban Planning (Honours))
Accreditation until 2021

Previous Course with Accreditation:

- Master of Regional and Urban Planning (MRUP), recognised as accredited for students enrolled 2015 or prior

Bond University

Current Courses:

- BSEP - Bachelor of Sustainable Environments & Planning + GDSEP - Graduate Diploma of Sustainable Environments & Planning
- BSEP– Bachelor of Sustainable Environments & Planning + MSEP – Master of Sustainable Environments & Planning
- MSEP – Master of Sustainable Environments & Planning
- (Double Degree) MSEP – Master of Sustainable Environments & Planning + MPM – Master of Project Management.
Accreditation: December 2020

Previous Course with Accreditation:

- Bachelor of Urban Design & Planning plus Master of Urban Planning (8 Semesters)
Accreditation: to 2011
- Master of Urban Planning (Stand-alone program) Interim Accreditation to 31 December 2014
- Bachelor of Urban Design & Planning (BUD&P) plus Postgraduate Diploma in Urban Planning
- Master of Urban Planning (MUP) for graduates of the Bachelor of Urban Design & Planning

South Australia

University of Adelaide

Courses:

- Master of Planning
- Master of Planning (Urban Design)

Accreditation: to 30 June 2022

University of South Australia

Courses:

- Bachelor of Urban and Regional Planning IBPG – until it is archived in 2019
- Master of Urban and Regional Planning IMUB - continuing until December 2020
Previous Course with Accreditation

Note: Membership applicants holding a UniSA Graduate Diploma of Urban and Regional Planning (IGUR) with a final enrolment year of 2009, will be recognised as having completed a course accredited by PIA.

Tasmania

University of Tasmania

Course:

- Master of Environmental Planning
- Master of Planning

Accreditation until 30 June 2021

Previous Course with Accreditation:

- Master of Town Planning – course accredited prior to 1998 only (no longer offered)
- Graduate Diploma in Environmental Planning - course accredited for students enrolled prior to 2016

Victoria

La Trobe University (Bendigo Campus)

Courses:

- Bachelor of Urban, Rural & Environmental Planning,
Accredited until 2021
- Masters of Community Planning and Development (Spatial Planning)
Accredited until 2021 (previously known and accredited as Masters of Community Planning and Development (Urban and Regional Planning))

Previous Course with Accreditation:

- Master of Spatial Planning, Management & Design (two years at La Trobe OR one year at La Trobe and one year of the Master of Spatial Planning Management and Design at the University of Moratuwa – Sri Lanka) - Any student enrolled prior to 2015 will be recognised as having completed an accredited degree.

RMIT University

Current Courses:

- Bachelor of Urban & Regional Planning (Honours)(BURP) BH108. Full Accreditation to 31 December 2022
- Master of Urban Planning and Environment (MUPE) MC221, previously the Master of Social Science (Environment and Planning) MC072. Full Accreditation until 31 December 2022

Previous Course with Accreditation:

- Master of Social Science (International Urban and Environmental Management) MC074 - 31 Dec 2013
- Master of Social Science (Environment and Planning) MC072 - 31 Dec 2013
- Bachelor of Applied Science (Planning) degree - re-accredited until June 2010
- Master of International Urban and Environmental Management (MIUEM) MC222, previously the Master of Social Science (International Urban and Environmental Management) MC074. Accreditation to 31 December 2017.

University of Melbourne

Current Course:

- Master of Urban Planning
 - Master of Urban Design
- Accreditation: to 31 December 2020

Previous Course with Accreditation:

- Bachelor of Urban Planning & Development / Bachelor of Planning & Design (property & Construction)
- Postgraduate Diploma in Urban Planning
- Bachelor of Arts (Planning & Design)
- Bachelor of Urban Planning & Development (Accreditation to 2010)

Deakin University

Current Course:

- Master of Planning (Professional)
- Accreditation: to 31 December 2018

Note: The Master of Planning course offered by Deakin University until 2011 was not accredited by PIA

Victoria University

Previous Course with Accreditation:

- Bachelor of Arts Urban & Regional Planning + Graduate Diploma in Urban Planning – courses accredited to 2000 only (no longer offered)
- Bachelor of Arts Urban & Regional Planning + Graduate Diploma in Heritage Planning – courses accredited to 2000 only (no longer offered)

Western Australia

Curtin University

Current Courses:

- Bachelor of Arts (Urban & Regional Planning) Accreditation until end of 2020
- Bachelor of Arts (Urban & Regional Planning) (Hons) Accreditation until end of 2020
- Master of Urban & Regional Planning Accreditation until end of 2020

Previous Course with Accreditation:

- Postgraduate Diploma in Urban and Regional Planning
- Master of Arts (Planning) – course accredited to 2002 only

University of Western Australia

Current Courses:

- Master of Urban and Regional Planning
Accreditation to Dec 2018

Previous Course with Accreditation:

- BA (Honours) Urban and Regional Planning
Any student enrolled in the above course prior to 2017 will still be acknowledged as having completed an accredited course.

Edith Cowan University

Previous Course with Accreditation:

- Bachelor of Planning (Y94)
- Bachelor of Planning (K11)
Any student enrolled in the above courses prior to 2017 who goes on to successfully complete the course requirements, will still be acknowledged as having completed an accredited course.

Continuing professional development - planning

All accredited professionals (planning) are required to undertake and keep records of relevant Continuing Professional Development (CPD) as set out in Schedule 1 of the *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2018*.

Accredited Professionals – Building levels

LEVEL 1: BUILDING SURVEYOR

Qualification

Relevant building surveying qualification as determined by the chief executive under regulation 5 of the *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2018* and as set out in this document covering the following technical skills:

Technical skills

Construction Practices & Principles

An in-depth knowledge of construction procedures & practices for residential, commercial & industrial building varying from simple structures through to large & complex structures

An in-depth knowledge of how building components, system & services interact with each other

Proficiency in assessment of construction documentation & details for compliance with codes, standards, acceptable construction practices, etc.

Proficiency in carrying out of on-site inspections on residential, commercial & industrial buildings varying from simple structures through to large & complex structures at various stages of construction

Good understanding of principles & procedures for providing protection to the public during construction, temporary support & demolition of structures

Ability to identify common building faults & failures and options available for rectification

Law and Statutes

Demonstrate basic understanding of the law and courts including the operation of statutory law

Understanding and proficiency in the interpretation of building and building related law and how it is applied to building issues, including:

- The difference between, and operation of statutory & common law (tort) liability
- The management of risk as it applies to how a building certifier may incur liability
- The operation of insurance
- The law of contract

Structural Engineering Principles

Demonstrate a capability to analyse site investigation reports

Proficiently evaluate foundation & footing design & construction for all types of building & a basic understanding of the engineering principles associated with their design

Show an understanding of the principles of retention, shoring systems & retaining walls & be able to evaluate their design & construction

Show a good understanding of structural design principles & characteristics for various construction forms & materials

Proficiently analyse structural design documentation & understand concepts for assessment of calculations

Building Related Science

Demonstrate good understanding of human movement, ergonomics, issues associated with disability access & principles of universal design

Basic understanding of issues involved in sustainable urban development & design, reuse & durability of building & building materials & minimisation & disposal of construction waste

Basic understanding of thermal performance of building in terms of energy efficiency & human comfort

Identify fire tests used to determine building material combustibility & early fire hazard indices

Identify types of soil & rock & their behaviour & have a basic understanding of testing procedures

Identify characteristics of timber such as strength, durability, pests, fungi, etc.

Performance-Based Building Regulatory Systems

In depth knowledge of principles used in performance based designs

Proficiency in the application of performance-based building code, including:

- An in-depth understanding of the various assessment methods contained in the Building Code of Australian & their application
- An in-depth understanding of the methodologies for determining correct performance requirements to be satisfied
- A good understanding of the process for involving relevant parties in the decision making process
- The ability to assess documentation for a performance-based solution
- Thorough knowledge on how to document decision & prepare an assessment report for performance-based solutions
- Thorough knowledge on the impact of a performance-based solution on building maintenance and alterations
- The importance of documentation and record keeping for performance based solutions

Risk Assessment and Risk Management Principles

Basic understanding of risk assessment and risk management concepts

Demonstrate a good understanding of principles of fire engineering, including

- Identification of potential fire hazards & causes of fire
- Determination of fire loads & fire growth
- Fire detection, suppression & extinguishment
- The effects of the toxicity of smoke

- Human behaviour & movement
- Fire brigade activities & intervention
- Use of statistics & probabilistic analysis
- Use & limitations of computer software applications
- Use of research material

Experience

A minimum 3 years full time or equivalent experience that includes, but is not limited to the following areas:

The practice of researching, analysing, advising, lecturing, assessing, and interpreting laws, regulations, codes and standards relating to building construction and occupant safety in buildings of all classes and of unlimited size, including:

- Providing advice on building control legislation and/or building policy matters; and
- Training or instructing other persons in matters of building policy, building compliance, and building control legislation at a tertiary level.

Assessing building plans for proposed building work of unrestricted size for the purpose of-

- certifying compliance with relevant building control legislation; and
- issuing building consents for proposed building work that will comply with relevant building control legislation.

Undertaking inspections of building work to check compliance with relevant legislation and/or documentation

Issuing compliance certificates for inspected building work that complies with relevant legislation and/or approved plans and documentation

Issuing consents to occupy buildings or parts of buildings

Initiating enforcement action where building work does not comply with a building consents; where illegal building work has been carried out; or where unhealthy or unsafe conditions require urgent or staged remedial action; and

Assessing the health and safety status of existing buildings and providing advice on priorities for upgrading.

Recognised equivalent scheme

Persons may be eligible for this level of accreditation if they are a member of an equivalent scheme that requires members to hold a building surveying or related tertiary qualification covering the level 1 building surveyor technical skills, together with 3 years full time or equivalent experience required for a level 1 building surveyor.

LEVEL 2: BUILDING SURVEYOR (LIMITED)

Qualification

Relevant building surveying qualification as determined by the chief executive under regulation 5 of the *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2018* covering the following technical skills, as they apply to buildings not more than 3 storeys in height and not more than 2,000 square metres in floor area.

Construction Practices & Principles

Assess the construction of, and faults in buildings not more than 3 storeys in height and not more than 2,000 square metres in floor area

Apply building surveying procedures to buildings not more than 3 storeys in height and not more than 2,000 square metres in floor area

Law and Statutes

As per level 1

Structural Engineering Principles

As per level 1 but only for buildings not more than 3 storeys in height and not more than 2,000 square metres in floor area

Performance-Based Building Regulatory Systems

As per level 1 but only for buildings not more than 3 storeys in height and not more than 2,000 square metres in floor area

Fire Safety Engineering Principles

As per level 1 but only for buildings not more than 3 storeys in height and not more than 2,000 square metres in floor area

Experience

A minimum 2 years full time or equivalent experience that includes, but is not limited to the following areas:

The practice of researching, analysing, advising, lecturing, assessing and interpreting laws, regulations, codes and standards relating to building construction and occupant safety in buildings of all classes of not more than 3 storeys in height and not more than 2000m² in floor area; including:

- providing advice on building control legislation and/or building policy matters; and
- training or instructing other persons in matters of building policy, building compliance, and building control legislation at a tertiary level.

Assessing building plans for proposed building work that is not more than 2000m² in floor area and not more than 3 storeys in height for the purpose of:

- certifying compliance with relevant building control legislation;
- issuing building consents for proposed building work that will comply with relevant building control legislation;

Undertaking inspections of building work to check compliance with relevant legislation and/or documentation

Issuing compliance certificates for inspected building work that complies with relevant legislation and/or approved plans and documentation;

Issuing consents to occupy buildings or parts of buildings;

Initiating enforcement action where building work does not comply with a building consent; where illegal building work has been carried out; or where unhealthy or unsafe conditions require urgent or staged remedial action; and

Assessing the health and safety status of existing buildings and providing advice on priorities for upgrading.

Recognised equivalent scheme

Persons may be eligible for this level of accreditation if they if they are a member of an equivalent scheme that requires members to hold a building surveying or related tertiary qualifications covering the level 2 building certifier technical skills, together with 2 years full time or equivalent experience required for a level 2 building certifier.

LEVEL 3: ASSISTANT BUILDING SURVEYOR

Qualification

Relevant building surveying qualification as determined by the chief executive under regulation 5 of the *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2018* covering the following technical skills, as they apply to class 1 and 10 buildings and structures not more than 500 square metres in floor area and not more than 2 storeys in height.

Construction Practices & Principles

Assess the construction of class 1 and 10 buildings
Assess timber and steel framed designs

Law and Statutes

Assess construction faults
Apply building control legislation

Codes and Standards

Apply building codes and standards

Structural Engineering Principles

Apply footing and geo-mechanical design principles
Assess structural requirements

Fire Safety Engineering Principles

Assess the impact of fire on building materials

Experience

A minimum 6 months full time or equivalent experience that includes, but is not limited to the following areas:

The practice of researching, analysing, advising, lecturing, assessing and interpreting laws, regulations, codes and standards relating to building construction and occupant safety in Class 1 and 10 buildings that are not more than 500m² in floor area and not more than 2 storeys in height including:

- providing advice on building control legislation and/or building policy matters; and
- training or instructing other persons in matters of building policy, building compliance, and building control legislation at a tertiary level.

Assessing building plans for proposed building work for the purpose of:

- advising on compliance with relevant building control legislation;
- assisting in the issuing of building consent for proposed building work that will comply with relevant building control legislation

Undertaking inspections of building work to check compliance with relevant legislation and/or documentation

Assisting in issuing consent to occupy buildings or parts of buildings

Assisting in undertaking enforcement action where building work does not comply with a building consent; where illegal building work has been carried out; or where unhealthy or unsafe conditions require urgent remedial action

Assessing the health and safety status of existing buildings and providing advice on appropriate upgrading requirements.

Recognised equivalent scheme

Persons may be eligible for this level of accreditation if they if they are a member of an equivalent scheme that requires members to hold a building surveying or related tertiary qualifications covering the level 3 Assistant building surveyor technical skills together with 6 months full time or equivalent experience required for a level 3 assistant building surveyor.

LEVEL 4 – BUILDING INSPECTOR

Qualification

Relevant building surveying qualification as determined by the chief executive under regulation 5 of the *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2018* covering the following technical skills to be applied only to class 1 and 10 buildings not more than 2 storeys in height and not more than 500 square metres in floor area

Construction Practices & Principles

Inspecting buildings and structures to ensure construction is in accord with approved plans

Law and Statutes

Identifying faults in buildings and structures
Applying building control legislation

Codes and Standards

Knowledge and application of building codes and standards to buildings and structures

Structural Engineering Principles

Inspecting footing and geo-mechanical works
Identifying faults in structural requirements

Experience

A minimum 6 months full time or equivalent experience that may include one or more of the following areas:

Undertaking inspections of building work to check compliance with relevant legislation and/or documentation

Assisting in issuing consents to occupy buildings or parts of buildings

Assisting in undertaking enforcement action where building work does not comply with a building consent; where illegal building work has been carried out; or where unhealthy or unsafe conditions require urgent remedial action

Assessing the health and safety status of existing buildings and providing advice on appropriate upgrading requirements.

Relevant building surveyor qualifications

Qualifications recognised for the purposes of the accredited professionals scheme – building levels are as set out in the table below:

Level 1 Building - Building Surveyor

Academic Institution	Accredited Course/Program	Notes
University of South Australia (SA)	Bachelor of Construction Management and Economics (Building Surveying option) – IBCN	Must complete the Building Surveying option
Central Queensland University (QLD)	Bachelor of Building Surveying and Certification (Honours) – CC61- previously Bachelor of Building Surveying and Certification – CG15	(external delivery)
University of Newcastle (NSW)	Bachelor of Construction Management (Building) (Honours) – 122331	(internal/external delivery)
Holmesglen Institute (VIC)	Bachelor of Building Surveying – BBS15 - previously Bachelor of Applied Science (Built Environment)	(internal/external delivery)
Bond University (QLD)	Graduate Diploma in Building Surveying – SD93021	
Bond University (QLD)	Master of Building Surveying – SD-93022	
University of Western Sydney (NSW)	Graduate Diploma in Building Surveying – 950048	(internal/external delivery)
University of Western Sydney (NSW)	Master of Building Surveying – 950047	(internal/external delivery)
University of South Australia (SA)	Graduate Diploma in Built Environment (Building Surveying) – IGBE	(external delivery)
Holmesglen Institute (VIC)	Graduate Diploma of Building Surveying – V14339	(internal/external delivery)

Level 2 Building – Building Surveyor Limited

Academic Institution	Accredited Course/Program	Notes
TasTAFE Tasmania (TAS)	Advanced Diploma in Building Surveying – CPC60108	(external delivery)
University of South Australia (SA)	Bachelor of Built Environment – IBBE	
Central Queensland University (QLD)	Bachelor of Building Surveying and Inspection – CG90	(external delivery)
Bond University (QLD)	Graduate Certificate in Building Surveying – SD-93020	Conditions apply. Refer all enquiries to Bond University

Level 3 Building – Assistant Building Surveyor and Level 4 Building – building inspector

Academic Institution	Accredited Course/Program	Notes
TasTAFE Tasmania (TAS)	Diploma in Building Surveying – CPC50108	(external delivery)
OTEN Sydney (NSW)	Diploma in Building Surveying – CPC50108	(external delivery)
Central Queensland University (QLD)	Associate Degree of Building Surveying – CB99	(external delivery)
University of South Australia (SA)	Associate Degree in Built Environment – ITBG	
CPD Training (NSW)	Diploma in Building Surveying – CPC50108	Provisional accreditation (external delivery)

Continuing professional development – building

All accredited professionals (planning) are required to undertake and keep records of relevant Continuing Professional Development (CPD) as set out in Schedule 1 of the *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2018*

Accredited Professionals – Code of Conduct

Introduction

Under Schedule 3 of the *Planning, Development and Infrastructure Act 2016* (PDI Act) the Minister may adopt a code of conduct to be observed by accredited professionals under the PDI Act. This code of conduct provides guidance on the standards of conduct and professionalism expected with regard to all accredited professionals performing functions under the PDI Act.

A key requirement of the PDI Act is that all accredited professionals must carry out, and be seen to carry out, their functions with the highest ethical standards so as to maintain public confidence in the integrity of accredited professionals.

The code is the key tool to ensure that all accredited professionals act honestly and ethically with a high degree of accountability. If an accredited professional has any doubt in regard to any function they are asked to, or are performing, under the Act they should seek the advice of the Planning Commission.

While some accredited professionals may also be bound by other codes of conduct or professional standards issued by their respective professional associations, they have no legal status under the Act. In situations where there is a conflict between requirements in this code of conduct and any other professional code or standard, this code prevails for the purposes of the Act.

Legislative framework

Under Section 15 of the *Planning, Development and Infrastructure Act* (PDI Act) all accredited professionals are subject to the following general duties:

(1) *It is expected that a person or body that—*

- (a) *seeks to obtain an authorisation under this Act; or*
- (b) *performs, exercises or discharges a function, power or duty under this Act; or*
- (c) *takes the benefit of this Act or is otherwise involved in a process provided by this Act, will—*
- (d) *act in a cooperative and constructive way; and*
- (e) *be honest and open in interacting with other entities under this Act; and*
- (f) *be prepared to find reasonable solutions to issues that affect other interested parties or third parties.*

(2) *Without limiting subsection (1), a person or body performing, exercising or discharging a function, power or duty under this Act must—*

- (a) *exercise professional care and diligence; and*
- (b) *act honestly and in an impartial manner; and*
- (c) *be responsible and accountable in its conduct; and*
- (d) *comply with any code of conduct, service benchmark or other requirement that applies in relation to the person or body.*

(3) *The Minister may, after taking into account the advice of the Commission, establish and maintain service benchmarks for the purposes of this section.*

(4) The principles and benchmarks under this section— (a) do not give rise to substantive rights or liabilities; but (b) may lead to action being taken on account of a breach of a code of conduct or professional standard that applies in relation to a relevant person or body

Potential breaches of the duties of an accredited professional are set out in section 91 of the PDI Act.

This sets out that:

(1) An accredited professional must act in accordance with the public interest.

Maximum penalty: \$50 000

(2) An accredited professional must not—

(a) perform any act or make any omission that results in a failure to comply with this Act; or

(b) seek, accept or agree to accept a benefit from another person (whether for himself or herself or for a third person) as a reward or inducement to act against a provision of this Act; or

(c) act in a manner contrary to any other duty prescribed by the regulations. Maximum penalty: \$50 000.

(3) An accredited professional who contravenes or fails to comply with a provision of a code of conduct that applies to the accredited professional under Schedule 3 is guilty of an offence. Maximum penalty: \$50 000.

(4) A person who improperly gives, offers or agrees to give a benefit to an accredited professional or to a third person as a reward or inducement for an act done or to be done, or an omission made or to be made, by the accredited professional in the performance of a function under this Act is guilty of an offence. Maximum penalty: \$50 000.

(5) An accredited professional must ensure that any development authorisation given by the accredited professional is consistent with any other development authorisation that has already been given in respect of the same proposal. Maximum penalty: \$25 000.

(6) In this section— benefit does not include a benefit that consists of remuneration or any condition of appointment or employment properly attaching or incidental to the work of an accredited professional under this Act.

Code of conduct requirements

In performing any function as an accredited professional under this Act an accredited professional must comply with requirements 1 to 20. In addition an accredited professional performing any function in relation to the issuing of a building consent must also comply with requirements 21 to 26.

General duties

1. An accredited professional shall at all times in undertaking any function under the PDI Act, act in accordance with the general duties as set out in section 15 of the PDI Act.

Act in the public interest

2. An accredited professional shall carry out their functions and duties, and exercise any discretionary powers, in a manner that promotes or protects the public interest.

Duty of Care

3. An accredited professional must exercise reasonable care and diligence in carrying out their statutory function and providing services to clients and employers.

4. An accredited professional must not provide any information, statement or document knowing it to be false or misleading or omit any matter knowing that without that matter the document is false or misleading.

Regard for honesty

5. An accredited professional shall not misinform or mislead any regulatory, government, professional body or any other person about any matter relating to the performance of their work.
6. An accredited professional must act with honesty, integrity, good faith and equity and must not discriminate toward any person in performing their duties.
7. An accredited professional shall advise the Chief Executive immediately if they:
 - a. are the subject of a formal investigation into, or have been found to have, breached any other code of conduct, ethical standards or similar, either in another State or through a professional body of which they are a member or
 - b. have been found guilty of a breach of any Act related to planning, building or a development related matter
 - c. are subject to a claim against their professional indemnity insurance policy for the purposes of their accreditation under section 88 of the Act.

Making decisions and taking action

8. An accredited professional shall take all reasonable steps to obtain all relevant facts and information when making decisions and carrying out any other statutory function.
9. An accredited professional shall ensure that their decisions and actions are reasonable, fair and appropriate to the circumstances, based on consideration of all relevant facts obtained, and supported by adequate documentation.
10. An accredited professional must ensure that all legislative requirements are met and where appropriate, advise their client, Council or the Commission (as relevant) of any matter that requires their advice or input.

Protection and use of information

11. An accredited professional shall, as set out in s236 of the Act, maintain the integrity and security of confidential information in their possession or which they are responsible and shall not use confidential information gained by virtue of their official position for the purpose of securing a private benefit for themselves or any other person.
12. An accredited professional must not disclose information acquired in the course of their professional work other than if consent of the relevant person has been granted or where there is a legal or professional duty to disclose such information.

Acting within level of professional competence

13. An accredited professional shall ensure that they are appropriately authorised or qualified to undertake a statutory function before commencing that function.
14. An accredited professional shall, despite their level of accreditation, carry out their duties only within their level of competence or expertise.
15. An accredited professional must not make false, misleading or deceptive statements about their own professional capabilities.

Conflict of interest

16. An accredited professional must not perform a statutory function where there is either a real or perceived conflict of interest between their professional duties and their personal or business interests.

Proper exercise of power

17. An accredited professional shall not take advantage of their position, power or duties for the purpose of obtaining, either directly or indirectly, any preferential treatment or other improper advantage for themselves or any other person.

Gifts and benefits

18. An accredited professional shall not seek or accept a gift or benefit that is intended to, is likely to or could be perceived as likely to, cause them to act in an unfair or biased manner in the course of their duties.
19. An accredited professional shall take all reasonable steps to ensure that a person related to them does not receive gifts or benefits that could appear to be an attempt to influence or secure or have the effect of influencing or securing a favour from the accredited professional. A person is related to an accredited professional for the purpose of this provision if the person is spouse, de facto partner, sibling, parent or child of the accredited professional.

Bias

20. An accredited professional should always have regard to any affiliation, disposition or any material, pecuniary or other interest that would lead to a reasonable apprehension that the accredited professional may be biased in carrying out any aspect of their professional role. They shall not carry out that aspect due to bias unless the apprehension arises from the fact that the accredited professional is to receive a fee for carrying out work in relation to an application or any other statutory function under the Act.

Persons undertaking Building Rules assessments must-

21. Ensure that any approved documentation clearly indicates, for a builder or a person inspecting the building, how the proposed building work is to be constructed for compliance with the Building Rules.
22. Ensure that all assessments undertaken and advice provided are:
 - a. within the scope of the person's qualifications (as prescribed by regulation 87 of the *Development Regulations 2008*);
 - b. within the scope of the person's experience and expertise and that any appropriate advice has been obtained where a matter is outside that experience, expertise and qualifications (other than those in (1)) ;
 - c. relevant to the particular application;
23. Ensure that any advice provided and decisions made are based on assessments made against all provisions of the Building Rules that are relevant to the proposed development.

Risk management

24. A person undertaking Building Rules assessments must:
 - a. identify any risks associated with processing an application for Building Rules compliance and advise the relevant authority as to how these might be addressed by the development approval.
 - b. ensure that any decision made and any advice provided has had due regard for the level of risk associated with any possible non-compliance and that appropriate control measures have been taken to minimise the level of risk. The level of risk must be determined on the basis of an appropriate risk analysis that takes into account the probability of any non-compliance with the Building Rules, together with the potential consequences that could arise from the non-compliance.

Performance solutions (alternative solutions)

25. A person assessing a performance solution must:
- a. ensure that the performance solution has had due regard to higher level risk associated with a performance solution, before advice is provided or a decision is made on whether the solution should be accepted.
 - b. ensure that when a performance solution is assessed, a complying assessment method is used and all relevant reasons, risks, opinions, expert advice and other relevant matters are considered.

Relying on certification from others

26. A person undertaking a statutory function must:
- a. ensure that when certified documentation is received from an independent technical expert, the person providing the certification is appropriately qualified and the certification is supported by adequate documentation
 - b. seek expert advice from an appropriately qualified and experienced person where certain aspects of an assessment or other statutory function are beyond their own expertise.



HAVE YOUR SAY

The Department of Planning Transport and Infrastructure is committed to genuine collaboration with the community in the development of South Australia's new planning system.

Interested parties are invited to provide feedback on the Accredited Professionals Scheme.

Submissions can be lodged via:

- SA Planning Portal: www.saplanningportal.sa.gov.au/have_your_say
- Email: DPTI.PlanningEngagement@sa.gov.au
- Post: PO Box 1815, Adelaide SA 5001

For details about engagement activities and how to get involved, visit www.saplanningportal.sa.gov.au



**Government
of South Australia**

Department of Planning,
Transport and Infrastructure