

ACCREDITED PROFESSIONALS SCHEME

DISCUSSION PAPER



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WHAT IS THE ACCREDITED PROFESSIONALS SCHEME DISCUSSION PAPER?

South Australia's new planning system is built around feedback from the community, the planning and development industries and other interested parties.

The new accredited professionals scheme (the scheme) will be no different, with this paper prepared by the Department of Planning, Transport and Infrastructure (DPTI) to discuss how it might operate most effectively. DPTI is seeking feedback from advocacy organisations, industry professionals, local governments, educational institutions and other interested parties to inform preparation of the draft scheme ahead of its testing and finalisation.

This discussion paper should stimulate thought around the possibilities of the proposed scheme. Thought provoking questions and spaces for you to capture these thoughts are provided throughout the document.

We encourage you to share feedback on the proposed accreditation scheme by emailing or posting it to us by Monday, 30th April 2018.

- **Email:** DPTI.PlanningEngagement@sa.gov.au
- **Post:** PO Box 1815, Adelaide SA 5001

1. INTRODUCTION

Planning and development in South Australia are changing. In response to this change, the new *Planning, Development and Infrastructure Act 2016* (the Act) is being progressively introduced to replace the existing *Development Act 1993* and will provide a more efficient and effective planning system. It will shape the future of South Australia by focussing on good design outcomes and engagement, revolutionising the way planning and development decisions are made and who can make them.

An important part of the new Act enables the Minister for Planning to establish an accreditation scheme for planners, building certifiers and other industry professionals involved in making development decisions. The objective of the scheme is to improve confidence in these decisions, as well as the professionalism of decision making processes more generally. The proposed scheme will support the new system and expand the similar, but more limited provisions of the *Development Act 1993*.

Under the new scheme there will be a range of accredited planning and building professionals who can make important decisions based on the nature and complexity of a proposed development. The scheme will establish and maintain the minimum standards against which professionals are assessed to determine their level of accreditation. These varying levels will be based on the professional's qualifications, skills and experience. There will also be a requirement for continued professional development in mandatory fields, such as design, engagement and performance based planning to retain accreditation.

WHAT ARE THE BENEFITS OF THE PROPOSED SCHEME?



Better decisions

The scheme will provide increased confidence for development applicants and communities that decisions are being made by qualified and experienced professionals who regularly undergo training and are audited for competency.



Better recognition of professionals

The proposed scheme will recognise the importance of professionals in the decision-making process and value their skills and experience. It will also value professional development within the sector.



More choices for professionals

For professionals, you will have the choice to become accredited by the South Australian Government, or choose a recognised scheme from a private accreditor.



More choices for applicants

For development applicants, you will have the choice to engage accredited professionals in the public or private sectors, giving faster and more responsive turnaround times on applications.



Improved management of complaints and investigations

To ensure confidence in South Australia's accredited professionals and their decisions, the scheme will provide clear audit, complaints and investigations processes.

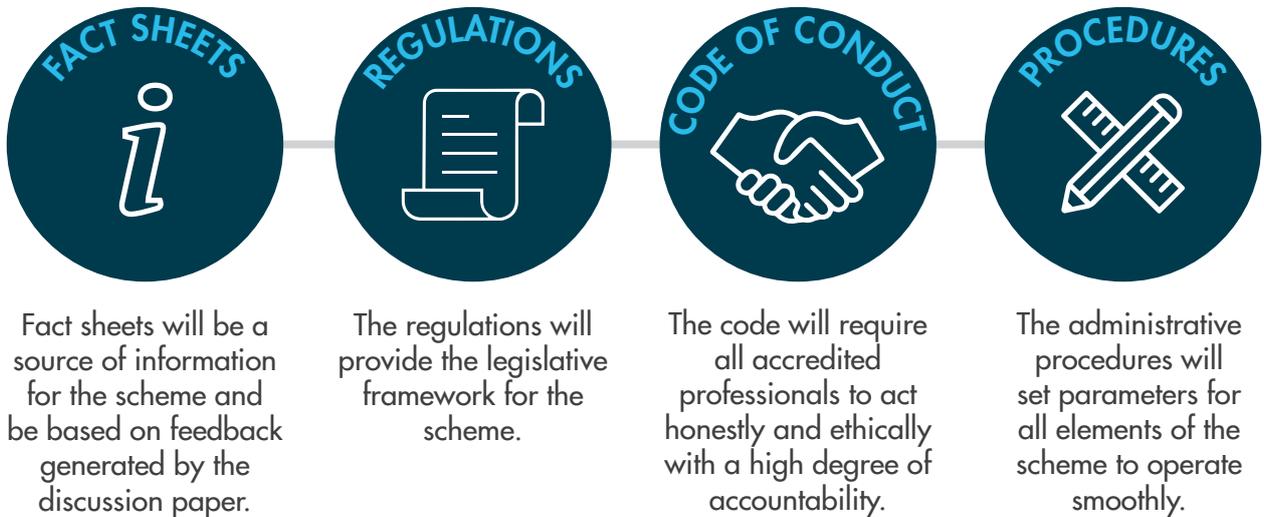


Centralised public register for all accredited professionals

All professionals accredited under the proposed scheme will be recorded on the South Australian Planning Portal. This will provide an up to date directory of all planning and building decision makers with their level of accreditation and any specialist fields.

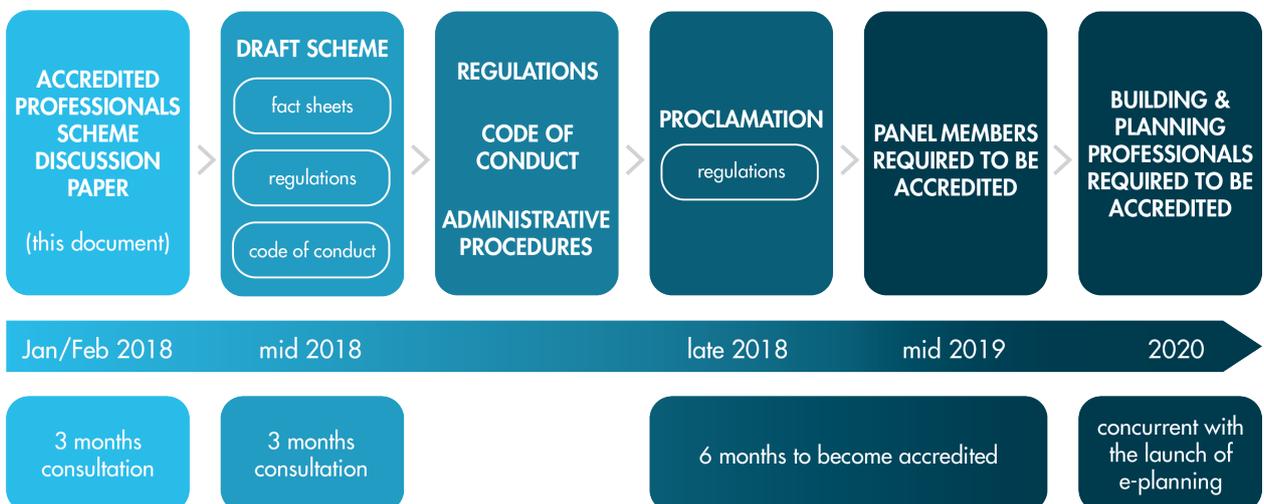
HOW WILL THE SCHEME BE DEVELOPED?

We are taking a consultative approach to develop the scheme. This discussion paper is the first step of the process and is available for consultation for a period of three months. The feedback received will inform the development of the scheme, which will be undertaken in four steps as follows:



The scheme will be first applied to assessment panel members from mid-2019. Accreditation for planning professionals other than assessment panel members will be introduced concurrently with the new assessment pathways under the Act and launch of e-planning. This is likely to occur in 2020. Building certifiers will continue to operate as they do currently until this time.

The time line below serves as a guide of how the scheme will be developed, as well as when there will be further opportunities for your input.



2. OVERVIEW OF THE SCHEME

WHAT IS THE ACCREDITATION SCHEME?

The proposed scheme will establish and maintain the minimum standards to become an accredited building or planning decision maker within South Australia.

The scheme should:

- allow for varying levels of accreditation with differing permissions based on a person's qualifications and experience
- specify ongoing training requirements tied to the periodic renewal of accreditation
- ensure the registration of all accredited professionals on the South Australian Planning Portal
- require the holding of professional indemnity insurance
- specify arrangements for the auditing of accredited professionals
- provide grounds for the suspension or cancellation of an accreditation
- enable private professional bodies to provide accreditation, subject to appropriate protocols established by Government
- require compliance with codes of conduct
- include the management of complaints and prosecutions

EXISTING INDUSTRY SCHEMES

The Act enables a scheme provided by another entity to be recognised by the regulations. The experience and qualification levels will be prescribed in the scheme. This would be particularly relevant where a person is not a member of a recognised association or professional body.

Currently, there are several industry bodies in Australia that provide accreditation or professional certification within both the building and planning sectors. These include:

Building:

- Australian Institute of Building Surveyors (AIBS)
- Royal Institute of Chartered Surveyors (RICS)

Of note, AIBS and RICS are recognised under the *Development Act 1993*.

Planning:

- Planning Institute of Australia (PIA)

There are additional accreditation schemes offered by other industry bodies in allied fields. These could be useful for assessing those professionals who want to become Assessment Panel Members as experts in a specialist field. These include:

- Architects Accreditation Council of Australia (AACCA)
- Australian Institute of Architects (AIA)
- Engineers Australia
- Surveying and Spatial Sciences Institute (SSSI)

HOW WILL IT WORK?

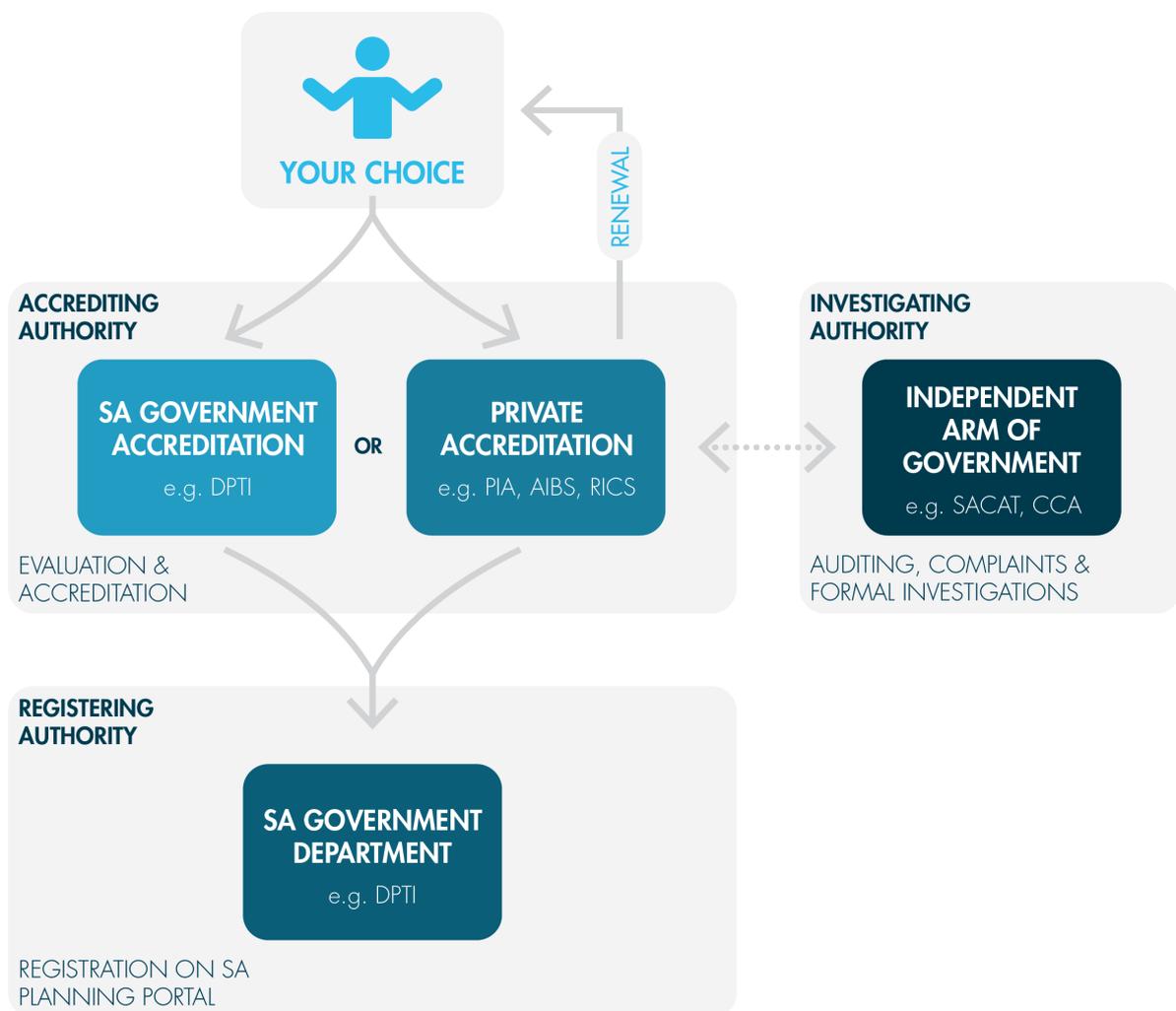
The new scheme will include three main components: Accreditation, Registration and Investigation (where required).

Different parties will play different roles within the components of the scheme as follows.

The **Accrediting Authority** could be an area within government, such as the Department of Planning, Transport and Infrastructure (DPTI) or a private accreditor, depending on the professional's choice. Their role would be to evaluate a person's skills and qualification against the minimum requirements and determine the level of accreditation. They could also manage low-level complaints. However, more serious complaints would be referred to the Investigating Authority.

We envisage that DPTI will be the **Registering Authority**, responsible for maintaining the publicly available register of all current accredited professionals on the South Australian Planning Portal.

The **Investigating Authority** would be an independent arm of government responsible for auditing accredited professionals and undertaking investigations to resolve more serious complaints referred to them by the accrediting authority.



SACAT: South Australian Civil and Administrative Tribunal, CCA: Commissioner for Consumer Affairs.

HOW WILL IT OPERATE WITHIN THE NEW PLANNING SYSTEM?

South Australia's new planning system will increase certainty for simple, standard developments and provide a tailored 'merit' approach for more complex developments. The new Act introduces four new assessment pathways as follows:

1. Exempt development - no assessment required.
2. Accepted development - assessed against the Building Rules only.
3. Code assessed development - assessed against the Planning and Design Code.
4. Impact assessed development - assessed against guidelines issued by the State Planning Commission (Commission).

Accepted development will need to be assessed by an accredited building professional against the building rules only. For planners, there will be two categories of code assessed development requiring varying degrees of professional judgement. These categories are 'Deemed to Satisfy' and 'Performance Based'. Professionals accredited under this scheme will have the authority to make code assessed decisions based on their level of accreditation and are detailed below. Impact assessed development decisions will be elevated to the State Commission Assessment Panel (SCAP) or the Minister for Planning.

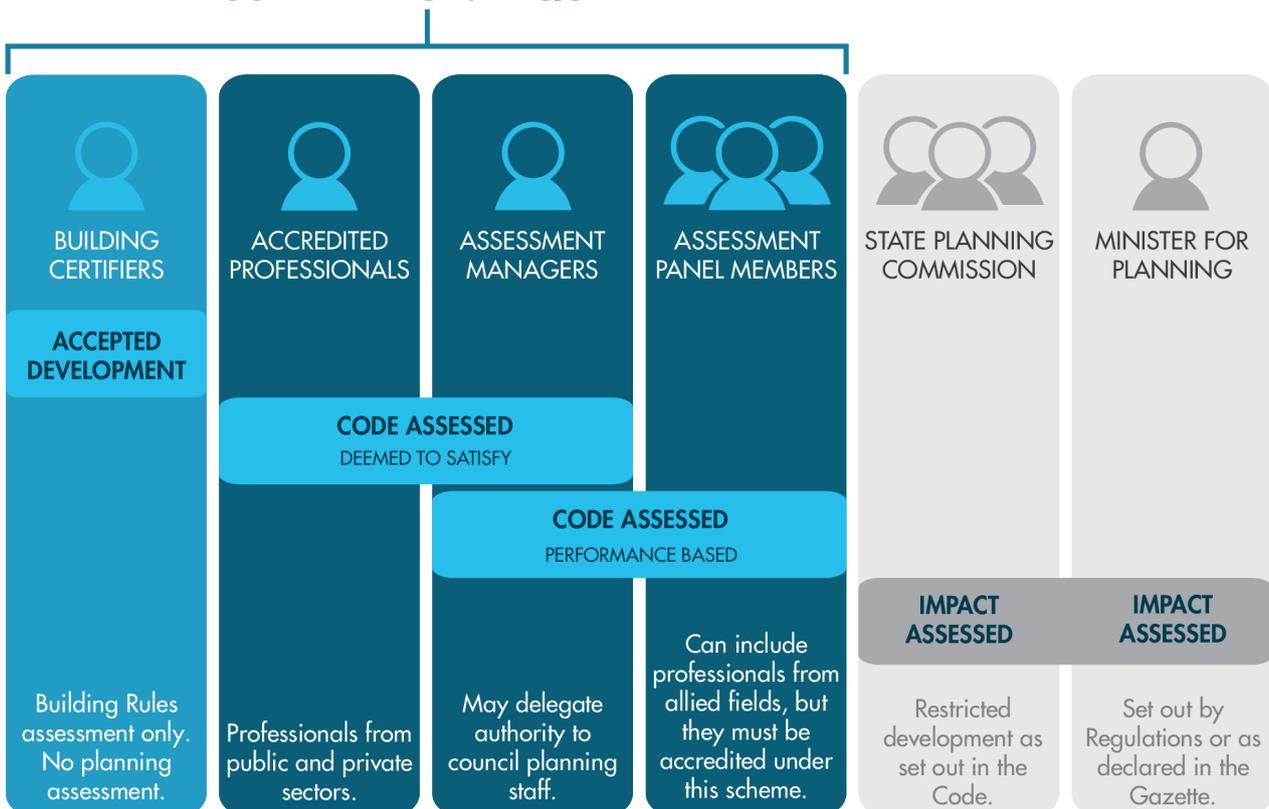
DEEMED TO SATISFY (DTS)

Process	Assess against the DTS policies (measurable standards) of the Code.
Decision	Requires lower degree of professional judgement.
Authority	Assessment Manager (or their delegate) or Accredited Professional.

PERFORMANCE BASED

Process	Assessed against performance outcomes of the Code.
Decision	Requires higher degree of professional judgement.
Authority	Assessment Manager, Assessment Panel or their delegate.

ACCREDITATION REQUIRED



initial thoughts?

Q how could the accreditation scheme affect you?

Q how might private entities (industry advocacy groups, educational institutions, etc.) support the scheme?

Q what should the role of building professionals be in planning decisions? Why?

3. BECOMING ACCREDITED

WHAT'S CHANGING?

The proposed scheme will mean that certain building and planning professionals must be accredited to make important decisions. Accreditation will mean that the decision maker has been screened for competency to do so. It is proposed to apply to the following:

Building professionals:

- building certifiers
- building inspectors

Planning professionals:

- assessment managers
- assessment panel members
- planning accredited professionals
- land division accredited professionals

Formalised auditing and complaint resolution processes will also be enacted under the scheme.

WHO NEEDS TO BE ACCREDITED?

The Act identifies circumstances where a relevant authority is required to make certain decisions. Upon introduction of the scheme, an accredited professional will be considered a relevant authority and may practise within local government, state government or the private sector.

Details of those required to be accredited and the relevant sections of the Act are provided in the table below.

Assessment Panels (section 83)	All assessment panel members, except where the person is an elected representative of the council and has sufficient experience in local government to act as a member of a panel.
Assessment Managers (section 87)	All assessment managers, unless they are of a prescribed class to be set by the regulations. Assessment Managers can delegate functions to staff within a council as they have under previous regulations.
Relevant Authority - Accredited Professionals (section 97)	Planners that are acting as a planning authority. Accreditation is not required for those acting under the delegation of an Assessment Manager or Assessment Panel. Private sector planning or building professionals will be able to achieve this level of accreditation.
Building Certifiers (section 92 and 99)	In addition to other aspects of the scheme, the regulations may prescribe circumstances where a building certifier may undertake an assessment against the building rules. Note that 'building certifier' equates to 'private certifier' under the current <i>Development Act 1993</i> .

In addition, it is likely that a practice direction will be issued to require any person or entity preparing or amending a designated instrument (e.g. the Code) to have received and considered the advice of an accredited planning professional.

HOW WILL ACCREDITATION BE DETERMINED?

A person's level of accreditation will be tied to their relevant qualification(s) and industry experience.

Qualification

There are a number of degrees and diplomas from around the world held by practising building certifiers and planners in South Australia. This diversity supports industry growth and innovation and would be supported under the new scheme.

The most common qualifications of planners in South Australia are the Bachelor of Urban and Regional Planning from the University of South Australia and the Masters of Planning from the University of Adelaide. Other related degrees and diplomas from around Australia will also be considered.

It is proposed that the accrediting authority be able to consider an applicant's qualification with proof of completion on a merit basis.

Experience

Different levels of accreditation will require different levels of experience. This experience will be based on that accrued over time, but will also reflect experience gathered in specialist areas, such as development assessment, policy, specific land uses, heritage and other specialist disciplines.

A curriculum vitae (CV) showing employment history with three (3) references could satisfy this requirement.

YOUR
QUALIFICATION



+

YOUR
EXPERIENCE



=

YOUR
ACCREDITATION



In some regional and remote areas of South Australia, local governments have experienced difficulties attracting qualified planners. The proposed scheme should allow appropriate dispensation be given to these areas, particularly with regard to Assessment Managers and Assessment Panel Members. Persons that do not meet the prerequisites could be considered on their merit. DPTI will provide additional support to these local governments when transitioning to the new scheme.

PROPOSED ACCREDITATION LEVELS: BUILDING

There are currently 3 levels of building certification under the *Development Act 1993*. For those with existing industry accreditation, it is proposed the levels under the new scheme are the same, with one additional new level. This level is proposed to better align with national standards.

There is a mutual recognition agreement between State and Territory regulators within Australia that enables a person registered as a building certifier or equivalent within Australia to apply to be registered in SA. This is proposed to continue under the new scheme.

LEVEL 1: BUILDING CERTIFIER

A building certifier accredited at level 1 would have no limit to the type of work that may be carried out.

Anticipated function	Assess against the building rules, with no limitation. Undertake building inspections on behalf of a council.
Qualification and experience	Relevant qualification and minimum 3 years relevant experience.
Recognised equivalent scheme	Accreditation as a Level 1 Building Surveyor by an approved industry accreditation authority (e.g. AIBS or RICS).

LEVEL 2: BUILDING CERTIFIER

Anticipated function	Assess against the building rules, limited to buildings that are no more than 3 storeys in height and floor area no more than 2000m ² . Undertake building inspections on behalf of a council.
Qualification and experience	Relevant qualification and minimum 2 years relevant experience.
Recognised equivalent scheme	Accreditation as a Level 2 Building Surveyor Limited by an approved industry accreditation authority (e.g. AIBS or RICS).

LEVEL 3: BUILDING CERTIFIER

Anticipated function	Assess against the building rules, limited to Class 1 and Class 10 buildings. Undertake building inspections on behalf of a council.
Qualification and experience	Relevant qualification and minimum 6 months relevant experience.
Recognised equivalent scheme	Accreditation as a Level 3 Assistant Building Surveyor by an approved industry accreditation authority (e.g. AIBS or RICS).

LEVEL 4: BUILDING INSPECTOR

Anticipated function	On behalf of a council, undertake building inspections of class 1 or 10 matters, including roof truss and swimming pool safety inspections.
Qualification and experience	Relevant qualification and/or experience.
Recognised equivalent scheme	Qualifications and experience recognised and considered appropriate by the accrediting authority.

PROPOSED ACCREDITATION LEVELS: **PLANNING**

The accreditation scheme is new for the South Australian planning profession. While there have been similar arrangements under PIA, this scheme will introduce the first requirement for prescribed classes of decisions to be made by accredited professionals.

LEVEL 1: ASSESSMENT MANAGER

Level 1 is the highest level of accreditation for the most significant level of decision making.

Anticipated function	Undertake complex assessment functions and decision making, supporting an assessment panel and managing staff.
Qualification and experience	Relevant planning degree and minimum 5 years full time or equivalent experience considered appropriate by the accrediting authority.
Recognised equivalent scheme	PIA Registered Planner (PIA Full Member with 5 years experience).

LEVEL 2: ASSESSMENT PANEL MEMBER

All Assessment Panel Members will need to be accredited under the new scheme. All Panels must comprise five members and have one Assessment Manager (i.e. Level 1). The requirement for Panels to have up to one Elected Member is already in place. Professionals from allied fields will gain accreditation at this level. It is encouraged that Panels comprise a range of expertise to promote good decision making.

Anticipated function	Assessment Panel Member
Qualification and experience	Relevant planning degree or qualification in an allied field (e.g. architecture, engineering, environmental management, law) and 2 years full time or equivalent experience considered appropriate by the accrediting authority.
Recognised equivalent scheme	PIA Full or Associate Member or accreditation in a recognised allied field.

LEVEL 3: ACCREDITED PLANNING PROFESSIONAL

Anticipated function	Confirm 'accepted developments' and 'code assessed developments – deemed-to-satisfy' in relation to a specific area/class of development.
Qualification and experience	Relevant planning degree and minimum 1 year equivalent of full time experience considered appropriate by the accrediting authority.
Recognised equivalent scheme	PIA Full or Associate Member.

LEVEL 4: LAND DIVISION ACCREDITED PROFESSIONAL

Anticipated function	Acting as a relevant authority for land division, creating not more than 4 additional allotments and/or a public road.
Qualification and experience	Relevant planning degree and minimum 1 year full time or equivalent experience in the assessment of land division applications considered appropriate by the accrediting authority.
Recognised equivalent scheme	PIA Full or Associate Member, or accredited through SSSI certification. There may also be an opportunity for some licensed land surveyors with appropriate experience to become accredited.

ACCREDITATION REQUIREMENTS

Ongoing training and development

It is proposed that the scheme include ongoing requirements for professional development in-line with accreditation schemes across Australia. There may also be some specific training requirements for registration. DPTI can support the scheme by providing free on-line training around the new Act, as well as broader planning issues.

The could operate similar to the continuing professional development (CPD) requirement associated with the renewal of PIA or AIBS membership. Under these systems, CPD points are achieved annually by the professional, with a different number of points required for different levels of accreditation. These points are achieved by completing training modules and attending information sessions provided by approved parties, such as private entities, local governments, the LGA and so on.

There would likely be mandatory training and development requirements in certain areas to maintain accreditation. Assessment Panel Members qualified in allied fields (other than planning or building) would have similar ongoing requirements. These areas could include: good design, engagement, performance based planning and decision making.

Insurance

As a further measure of consumer protection, accredited professionals will be required to have a minimum level of professional indemnity insurance at the time of registration and renewal. This insurance may be held individually for sole operators, or in a company name if there is evidence that the applicant is a current employee. For local government staff and their assessment panel members it will be assumed that this is covered under the Mutual Liability Scheme. Regulations will be drafted to reflect this, as well as the minimum cover requirements of insurance.

RENEWAL PERIOD

It is proposed the registration period for accredited professionals be 1 year. This would enable appropriate monitoring of compliance with the accreditation requirements, private association registration if being relied upon for accreditation, and registering any continued professional development. A renewal fee would be required to cover administration costs. If the renewal process (fee and documentation) is not provided or completed before the expiry date, accreditation would likely be suspended prior to lapsing. This would be recorded on the public register until resolved.

WHAT HAPPENS IF YOUR ACCREDITATION LAPSES?

If the accreditation is lapsed or suspended, the accredited professional would not be able to undertake any functions associated with the accreditation, and any decision made during this time would be invalid.

WILL THERE BE FEES INVOLVED?

To enable effective operation and management of the scheme, costs will be incurred by the accrediting and registering authorities. It is proposed that fees will be payable annually to cover these costs. Details of associated fees are yet to be determined. Once the draft scheme is prepared, an appropriate fee structure will be prepared and included in the regulations for further comment. DPTI will engage a specialist to assist with the calculation of an appropriate fee structure.

It is likely that fees will be set for:

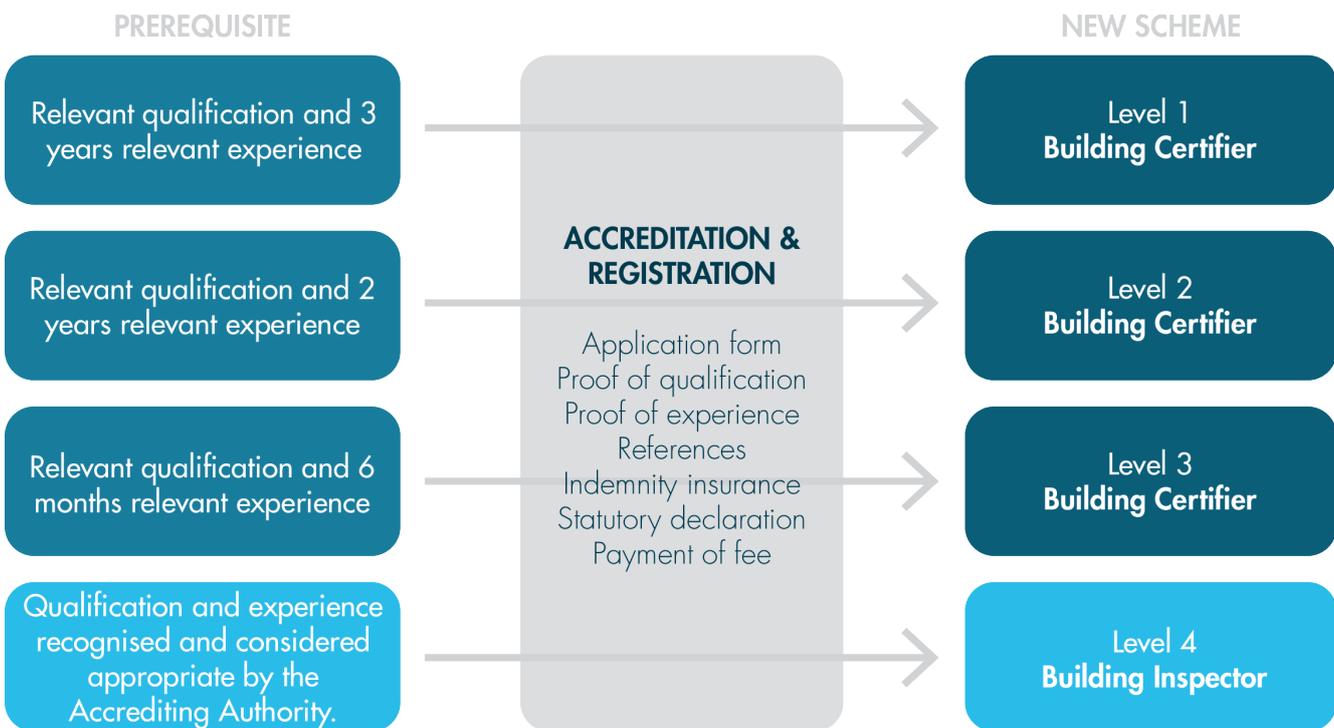
- **Accreditation:** to cover the costs of initial assessment and operating the scheme.
- **Registration:** administrative fee for maintaining the register.
- **Renewal:** required annually to check currency of the accreditation requirements and any privately held memberships of equivalent schemes.

BECOMING ACCREDITED: BUILDING

FOR THOSE WITH EXISTING ACCREDITATION: BUILDING

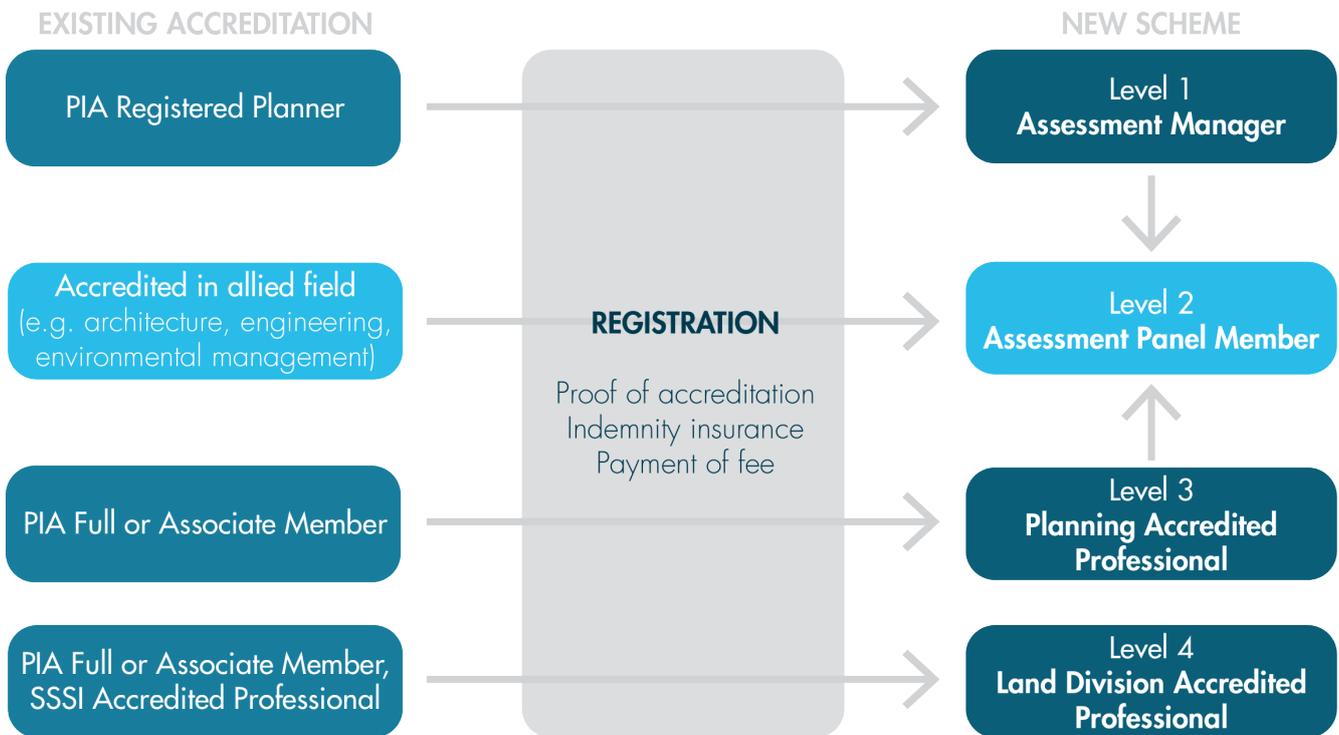


FOR THOSE WITHOUT ACCREDITATION: BUILDING

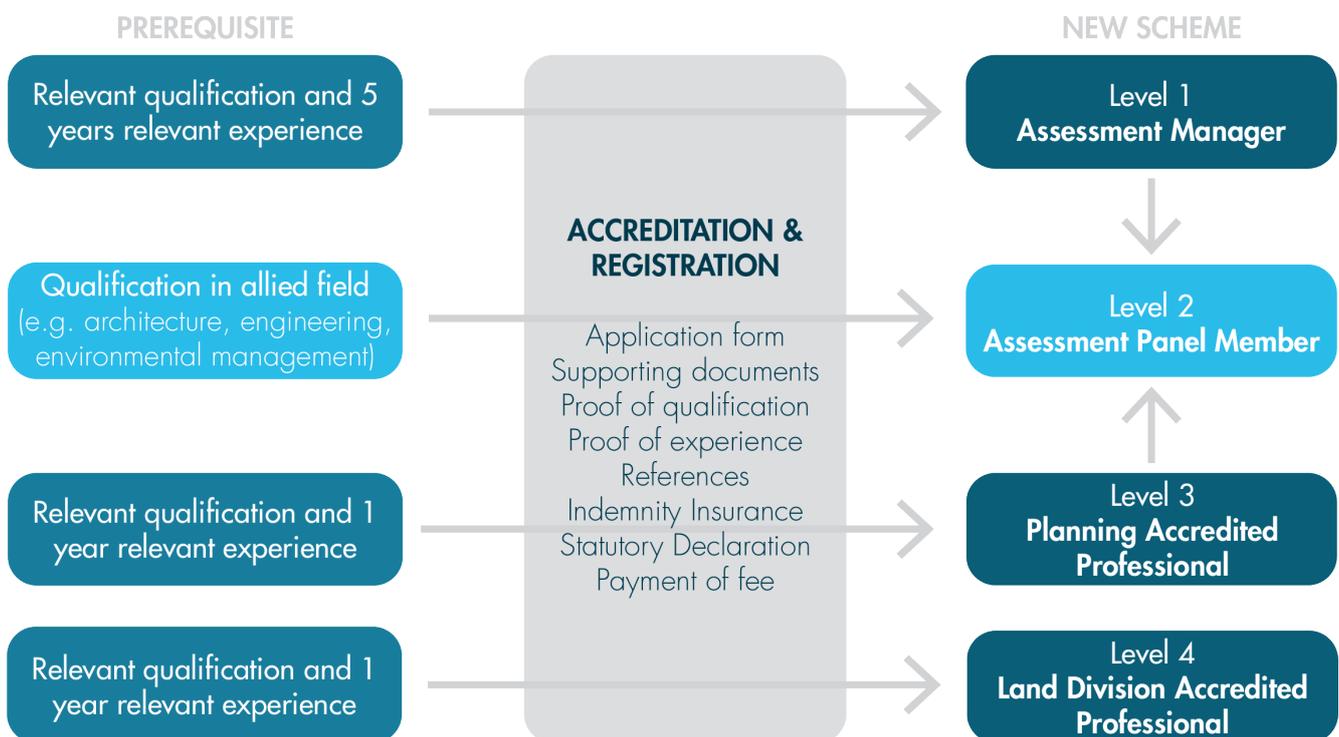


BECOMING ACCREDITED: PLANNING

FOR THOSE WITH EXISTING ACCREDITATION: PLANNING



FOR THOSE WITHOUT ACCREDITATION: PLANNING



Q should professionals from allied fields that are accredited as Assessment Panel Members (such as architects, engineers, environmental managers and so on) have the same requirements for continued professional development and training as planning professionals? Please discuss...

Q how might the scheme vary between urban and regional contexts?

Q in addition to design, performance, good decision making and engagement, what other types of continued professional development and training should be required to retain accreditation?

Q should building certifiers need additional experience to approve 'performance solutions' under the Building Rules?

Q for the new Level 4: Building Inspectors, what should be the required qualification and experience?

4. KEEPING THE SYSTEM HONEST

To ensure confidence in South Australia's accredited professionals and the decisions they make, it is important to have coordinated auditing, investigation and complaint resolution processes. These procedures will be drafted synonymously with the relevant regulations and made available for comment prior to adoption of the scheme.

AUDITING

Auditing is a critical component to ensure trust in the scheme, particularly given the role of accredited professionals. Any person registered under the scheme will be subject to periodic audit.

It is proposed there be two types of auditing under the scheme:

- administrative auditing (correct documentation, current insurance, etc.)
- technical auditing (processes undertaken by accredited professionals to arrive at decisions)

COMPLAINTS

If a complaint is received in relation to the code of conduct the investigating authority will be responsible for investigating it. This independent arm of government will take appropriate disciplinary or other action against the accredited professional appropriately. This does not preclude any professional membership body from conducting its own investigation and disciplinary processes, but will require them to refer any complaints they receive that relate directly to the accredited professionals scheme code of conduct to the investigating authority.

Procedures will be set out in the regulations to ensure that the accredited professional is notified of the complaint and given the opportunity to provide evidence to the appointed investigator, prior to any action being considered. Procedures will be developed as necessary to support the implementation of the regulations.

SUSPENSION OR CANCELLATION OF ACCREDITATION

The accrediting authority will issue reminder notices to accredited professionals prior to their accreditation period lapsing. There may be a minimum requirement for this, for example one month prior, to allow sufficient time to prepare any additional items. This is likely to be administered in a similar fashion to the current process for private accreditors.

An unintentional lapse of accreditation would result planning permissions being suspended until the accreditation is renewed. This would restrict access to the e-planning system, planning portal and so on. In more serious cases, such as where the accredited professional has acted in an unprofessional or inappropriate manner, or failed to professionally discharge a responsibility under the Act, the accrediting authority may see fit to suspend or cancel that person's accreditation.

A policy and procedure will be developed to detail how the suspension or cancellation of accreditation process will be administered.

APPEALS

An appeals process allowing accredited professionals the opportunity to respond to any action arising from the auditing or complaints process is required. This process will be developed prior to the introduction of the scheme and be made available for future comment.

APPEALS AGAINST DECLINED ACCREDITATION

Under the *Development Act 1993*, there lies no right to appeal against a decision made by the Minister with respect to the registration, condition imposed, suspension or cancellation of a private certifier. Under the new Act, it is proposed that an appeal against a declined application could be lodged with the accrediting authority. The initial appeal would necessitate a review of any decision made, which would hear the matter and confirm the original decision, modify or overturn it.

If the applicant remains aggrieved by the accrediting authority's decision, an appeal could be put in place with an independent body. This will be detailed in the regulations and could be, for example the South Australian Civil and Administrative Tribunal (SACAT).

GOVERNANCE

The overall governance of the scheme is yet to be determined. The Minister, in association with the Commissioner for Consumer Affairs is responsible for the scheme to be made by regulation. The Act however provides for any aspect of the scheme to be administered or managed by the Commissioner for Consumer Affairs or any other body prescribed by the regulations or Minister.

thoughts?

Q do you agree that the processes undertaken by accredited professionals to arrive at particular decisions should be audited under the scheme?

Q are there areas where the proposed scheme can be improved?



Government of South Australia

Department of Planning,
Transport and Infrastructure

We welcome your feedback on the proposed accredited professionals scheme by either:

Email: DPTI.PlanningEngagement@sa.gov.au

Post: PO Box 1815, Adelaide SA 5001