

THE BAROSSA COUNCIL ACCREDITED PROFESSIONALS NOTIFICATION POLICY



1. Purpose

- 1.1. The purpose of this Policy is to establish a framework for Accredited Professionals to notify Council of their accreditation, renewals and any Notifiable Events with respect to their accreditation.
- 1.2. This Policy shall commence on the day that the new planning system under the *Planning, Development and Infrastructure Act 2016* commences with respect to The Barossa Council (the "Council").

2. Scope

- 2.1. This Policy applies to all:
 - 2.1.1. Workers of Council, including contractors and/or agents of Council during the course of their engagement; and
 - 2.1.2. Members of the Barossa Assessment Panel.
who are or become accredited as Accredited Professionals pursuant to the scheme established under Section 88 of the *Planning, Development and Infrastructure Act 2016* (the "Act") and *Planning, Development and Infrastructure (Accredited Professionals) regulations 2019* (the "Regulations").
- 2.2. For the purposes of this Policy, the persons identified in Clause 2.1 are known as "Accredited Professionals".
- 2.3. For avoidance of doubt, this Policy applies to Accredited Professionals who require accreditation in order to carry out the functions and/or duties associated with their employment with, or engagement or appointment by, the Council.

3. Policy Statement

3.1. Responsibilities of Accredited Professionals

- 3.1.1. All Accredited Professionals must take the necessary steps to gain and maintain accreditation under the Act and Regulations at the class required under the Act and Regulations and for the role or function they have been employed, engaged or appointed to perform (Accreditation).
- 3.1.2. Without limiting Clause 3.1.1, all Accredited Professionals must:
 - take all steps necessary to maintain their Accreditation by applying for the continuation of their Accreditation annually as required under the Act and Regulations;
 - ensure they fulfil all requirements of continuing professional development under the Regulations; and

- act in accordance with the Accredited Professionals Scheme Code of Conduct adopted by the Minister under Schedule 3 of the Act (**Code of Conduct**) when carrying out their functions and duties as an Accredited Professional.

3.2. Obligations of Accredited Professionals

3.2.1. An Accredited Professional must, within five (5) business days of the occurrence of any of the following events:

- the commencement of this Policy;
- becoming registered as an Accredited Professional by the accreditation authority;
- commencing employment with the Council;
- being engaged by the Council to act as, or provide advice to the Council in the person's capacity as, an Accredited Professional; or
- accepting an appointment to the Barossa Assessment Panel,

provide a copy of his or her Accreditation in a manner prescribed in the *Accredited Professionals Notification Process*, including any conditions or limitations imposed on the Accreditation by the accreditation authority, unless the Accreditation has already been provided to the Council (for example, during the recruitment process).

3.2.2. An Accredited Professional must, within five (5) business days of receiving confirmation of the renewal of his or her accreditation, provide a copy of the renewal in a manner prescribed in the *Accredited Professionals Notification Process*.

3.2.3. An Accredited Professional must, within five (5) business days of the occurrence of a Notifiable Event (as defined in this Policy), provide in a manner prescribed in the *Accredited Professionals Notification Process*, written notification of the Notifiable Event and a copy of any correspondence or other documentation (including electronic) received from the accreditation authority in relation to the Notifiable Event.

3.3. Action taken by the Chief Executive Officer

3.3.1. The Chief Executive Officer may take such action as is fair, reasonable and appropriate, which may include disciplinary action under Council's Human Resource Management framework and relevant Codes of Conduct, in relation to:

- the failure of an Accredited Professional to comply with this Policy; or
- written notification from an Accredited Professional of a Notifiable Event.

4. Supporting Processes and Documents

Accredited Professionals Notification Process - Ref: CD/20/125*

5. Legislation

5.1. Planning, Development and Infrastructure Act 2016

5.2. Planning Development and Infrastructure (Accredited Professionals) Regulations 2019

6.	Review
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This Policy will be reviewed by the Council in consultation with the relevant stakeholders, within four (4) years or more frequently if legislation or Council's need changes.

7.	Further Information
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7.1. This Policy is available on Council's website at www.barossa.sa.gov.au. It can also be viewed electronically at Council's principal office at 43-51 Tanunda Road, Nuriootpa and all Council branches, during ordinary business hours. A copy of this Policy can be obtained at those venues upon payment of a fixed fee.

7.2. Complaints regarding this Policy or its application can be made to the Customer Service team on 8563 8444 or barossa@barossa.sa.gov.au at first instance, who will refer you to the most appropriate officer according to Council's *Customer Service Policy* (see clause 7.1 above for availability).

8.	Document Control
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Community and Corporate Plan Link:	 	5.2 Support industry accreditation and reward programs. 6.12 Ensure that our people (workers including employees, volunteers and contractors) have the skills, resources and understanding of organisational processes to do their job.
Document Owner:	Chief Executive Officer	Document Control Officer: Director Development and Environmental Services
Consultation Rating:	D	Audience: External Next Review Date: 01/12/2024
Version history		
Version No.	Date	Description of Change
1.0	17/11/2020	New Policy

10.	Definitions
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Accredited Professional	The persons identified in Clause 2.1 of this Policy
Act	Planning, Development and Infrastructure Act 2016
CEO	Chief Executive Officer of The Barossa Council
Council	The Barossa Council
Employee	All full-time, part-time and casual employees of The Barossa Council including trainees, apprentices, and on-hire employees.
Electronic Document and Records Management System ("EDRMS")	An automated system used to manage the creation, use, management, storage and disposal of physical and electronic Documents and Records, for the purposes of supporting the creation, revision and management of digital Documents; improving Council's work-flow, and providing evidence of business activities.
Notifiable Event	Notifiable Event means: (i) a change to the class of an Accredited Professional's Accreditation;

	<ul style="list-style-type: none"> (ii) the addition, substitution or deletion of a condition or limitation on an Accredited Professional's Accreditation pursuant to Regulation 17(5) of the Regulations; (iii) the surrender by an Accredited Professional of his or her Accreditation pursuant to Regulation 20 of the Regulations; (iv) the cancellation or suspension of an Accredited Professional's Accreditation pursuant to Regulation 21(1) of the Regulations or Regulation 93A of the <i>Development Regulations 2008</i>; (v) the provision of notice to an Accredited Professional by the accreditation authority of a proposal to suspend or cancel the Accredited Professional's Accreditation pursuant to Regulation 22(1) of the Regulations; (vi) the provision of a final report by a qualified auditor pursuant to Regulation 27(13) of the Regulations, where a copy of the report is provided to the Accredited Professional; (vii) any action taken by the accreditation authority (including giving directions to an Accredited Professional) pursuant to Regulation 27(14), (15) or (16) of the Regulations; (viii) the provision of notice to an Accredited Professional of a decision by the accreditation authority to investigate a complaint made against the Accredited Professional under Regulation 28 of the Regulations which relates to an act or omission of the Accredited Professional in the course of their employment with, or engagement or appointment by, the Council; (ix) the provision of a final report of an investigator to the accreditation authority pursuant to Regulation 28(11)(b) of the Regulations, or the outcome of any process that the accreditation authority has adopted to investigate a complaint made against an Accredited Professional pursuant to Regulation 28 of the Regulations; (x) any action taken by the accreditation authority against an Accredited Professional pursuant to Regulation 28(13) of the Regulations following the investigation of a complaint; (xi) any decision made by the South Australian Civil and Administrative Tribunal (SACAT) or any South Australian Court in relation to an Accredited Professional's Accreditation; (xii) a finding of guilt for an offence against the Act or the <i>Development Act 1993 (Repealed Act)</i>; and (xiii) a finding of guilt for an offence against any regulations under the Act or the Repealed Act, including the Regulations.
Regulations	Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019
Worker	<p>A person is a worker if the person carries out work in any capacity for Council, including work as:</p> <ul style="list-style-type: none"> (a) an employee; or (b) a contractor or subcontractor; or (c) an employee of a contractor or subcontractor; or (d) an employee of a labour hire company who has been assigned to work in the person's business or undertaking; or (e) an outworker; or (f) an apprentice or trainee; or (g) a student gaining work experience; or (h) a volunteer; or (i) a person of a prescribed class.