

D18/46215

16 October 2018

**Department of Planning, Transport and Infrastructure
GPO BOX 1815
ADELAIDE
SA 5001**



Dear Sir / Madam,

RE: DRAFT ACCREDITED PROFESSIONALS SCHEME

Thank you for the opportunity to provide feedback on the Department of Planning, Transport and Infrastructure (DPTI) Draft Accredited Professionals Scheme.

Adelaide Plains Council (APC) welcomes the recognition that the Accredited Professionals Scheme should bring to the importance of planning professionals in the development assessment process and the value of their skills and experience. APC also supports the setting of a consistent level and standard of qualification and experience for practicing planners, which the accreditation scheme should bring.

However, APC questions why the State Government is trying to replicate the functions and systems of professional bodies such as the Planning Institute of Australia (PIA), which are already in place, rather than entering into a partnership with these bodies to manage the accreditation scheme on government's behalf? If the CE is indeed intending to delegate the administration of the accreditation scheme to another person or body, more details should be set out on this to provide certainty and transparency as to how this process will be managed.

APC provides the following feedback on the Draft Scheme as presented:-

Accreditation Authority

The Accreditation Authority i.e. the Chief Executive (CE) of DPTI is given a wide range of powers in relation to the management of the Scheme, with few details as to how these powers will be utilised in practice. APC does not support this level of unrestricted authority without either further qualification as to how these powers will be exercised and the potential impacts of this on accredited professionals.

Specifically, there is currently no provision within the Draft Scheme for the CE to seek consultation before making amendments to the competency requirements set out in the Scheme. In addition, the CE is able to vary a condition of accreditation at any time. The CE can also include any information they think fit on the register of accreditations. The Regulations should include clauses that either provide more detail on each of these issues for further certainty and transparency within the Scheme or a clause requiring the CE to undertake consultation before decisions regarding the above points is made.

There is no requirement for a variation, cancellation, suspension or surrender of an accreditation to be notified to a person or body with whom the accredited professional is employed. This is a major risk for Councils if they are unaware that an Assessment Manager or CAP member is no longer accredited as any decisions made while unaccredited could be invalid and subject to contest. It is therefore recommended that the Regulations are amended to require the CE to notify the employing body of an accredited professional if they have lost their accreditation.

Accreditation Professionals – Planning Levels

Under the requirements for accredited professionals of Regulation 5, an accredited professional must demonstrate peer reviewed compliance. There are no details as to what this will comprise other than it will be 'in accordance with a process established by the CE'. Further clarification on this is therefore necessary.

In relation to the list of relevant planning qualifications recognised for the purposes of the accredited professionals scheme, how are overseas qualifications to be recognised? Will a previous VETASSESS certification of an overseas planning qualification be recognised as equivalent to the qualifications listed? What about qualifications that were obtained 30 to 40 years ago?

There must be some common sense and flexibility employed when assessing the accreditation credentials of planning officers who may be the sole planner of a small regional Council. If a Council has a single planner who despite having been undertaking development assessment for the Council for a significant period, does not meet the accreditation criteria for a minimum Planning Level 3 (with an assumption that the Assessment Panel can act as the delegate to the single planning officer), how will this issue be resolved? A Council should not be expected to take on the cost burden of hiring a contract accredited professional because the new Scheme has removed the authority of their planning officer.

Reference to the applicability of an equivalent scheme is welcomed under the planning levels. However, there is no detail as to what schemes would be recognised and no guarantee that members of such a scheme will be eligible under the new Scheme.

Will multiple accreditations be required if a planner accredited as an Assessment Manager also wants to be eligible to sit on an Assessment Panel? No clarification of this issue is provided in the Draft Scheme.

Accreditation is not required for policy planners undertaking Code amendments. This could result in a situation where Accredited Professionals are using policy that has been prepared by a non-accredited person. It is considered that the Regulations should be amended to address this omission.

As a result of the separation between the Assessment Manager and Council will appeals against a refusal of planning consent lie against the Assessment Manager rather than Council? How will this impact upon the procedural and practical elements of the appeal process? i.e. Who determines how the appeal is run and how costs are paid?

Accreditation Application and Cost

APC is concerned with the costs associated with gaining and maintaining accreditation in relation to the scheme.

Although there are similar fees associated with being a member of professional industry bodies, such as PIA, membership is not compulsory and not a requirement of being a practising planner. However, accreditation through the Scheme will be a compulsory requirement for a large number of the state's planning officers and the costs associated for either the individual or their Councils will be significant. Add to this, the accreditations for Council Assessment Panel members. Many small or regional Councils will not be able to afford to reimburse the costs of accreditation for panel members and as a result, may limit the pool of eligible candidates willing to sit on panels.

For those planners that are already a member of a professional body such as PIA, will there be a requirement to pay the full level of fees both upfront and ongoing for accreditation? If so, many planners will be forced to drop membership of other non compulsory schemes to be able to afford the costs of accreditation under the new Scheme.

Also of concern is that under the Draft Scheme, whether or not agreements with other professional bodies will be permitted will be under the discretionary powers of the Chief Executive of DPTI (CE) and there are no guarantees that this will occur.

There are also no confirmed details as to what the membership costs will be or how the collection and regulation of these payments will be made.

Part 4 – Continuing Professional Development (CPD)

The interpretation of what counts as 'CPD activity' under Part 1 – Preliminary (3) under the Regulations does not include the reading of relevant planning journals or texts, which is usually an acceptable form of CPD and one of the few ways of undertaking CPD without an associated

cost. In addition, there is no reference to volunteering activities or relevant professional or community service being included as a form of CPD. It is recommended that the scope of CPD activity is widened to include the above activities.

How will CPD be recorded and monitored? PIA has an online record system where CPD can be uploaded and recorded. If accredited professionals are required to submit evidence of their CPD every year when renewing their membership, there must be a simple and consistent method of recording this for a clear and speedy assessment process. Will DPTI run sessions where CPD units can be acquired like other professional bodies do currently? As CPD units are required to be gained in at least 4 areas of professional competence per year, opportunities for undertaking such CPD should be numerous and varied.

Part 5 - Audits

Who will be conducting the planning and building assessment audits? Part 5 – Audits (26)(2) does not make this clear. What level of resources will be required by Council to respond to audits of development approvals?

Part 8 – Miscellaneous

Regulation 29 (1)(b) states that an accredited professional must not perform any function of an accredited professional in relation to a development if the accredited professional has a direct or indirect pecuniary interest in any aspect of the development.

As soon as an accredited professional undertakes an assessment of development for remuneration as a private certifier, that person will be in breach of this regulation. A private certifier is acquiring a direct benefit from the granting of a planning consent. This is also the case when considering clause 16 of the Accredited Professionals Code of Conduct in relation to conflict of interest.

Private certification should therefore be carried out for Deemed-to-Satisfy developments only, as the actual principal of approving the development is not in question and this is less of an assessment and more of a check box exercise. As soon as any performance based element to the development assessment is undertaken, a private certifier has a conflict of interest as they are being paid to grant planning consent. Private certifiers will not refuse to grant planning consent when they are being paid directly by the client for their service. All performance assessed developments must be retained by the public sector to ensure there is no conflict of interest when assessing and granting development approvals.

Should you require any further information from Council or have any queries regarding this consultation submission, please contact Megan Lewis, Planning Policy Officer on (08) 8527 0200 or info@apc.sa.gov.au.

APC looks forward to further engagement opportunities with DPTI and State Planning Commission throughout the transition to the new PDI Act.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'R Veitch', followed by a short horizontal line.

Robert Veitch
General Manager – Development and Community