Dear Sally

Accredited Professionals Scheme Draft

Thank you for the opportunity to comment on the Accredited Professionals Scheme draft, including Regulations, skills and experience requirements, and Code of Conduct. The following is the response of senior development staff, not the views of the elected members.

These comments are further to our feedback of 25 October 2017 and 30 April 2018 (reflecting the administration’s opinions), regarding discussion papers for the Accredited Professionals Scheme.

We are aware of detailed analysis and questions/comments already made by the Local Government Association with assistance from Norman Waterhouse Lawyers, so we will focus our comments on the following questions posed on the SA Planning Portal, and how the draft responds to our previous feedback.

SA Planning Portal questions

1. Should industry bodies be allowed to deal with complaints against Accredited Professionals on behalf of the Chief Executive of DPTI?

As the new system is to be administered by DPTI, and accreditation is granted by DPTI, it is appropriate that complaints be dealt with by DPTI. AIBS and PIA each require their members to be subject to their own Code of Conduct. DPTI should advise the relevant body of any complaint received against any of its members and the outcomes of its investigations; AIBS and PIA may then make their own decision as to whether action is required to be undertaken under their respective Code of Conduct.

2. Should Accredited Professionals be penalised for failing to participate in audits in accordance with the Scheme?
If the requirement for audits is legislated, then yes, they should be enforced with appropriate penalties. It should be ensured that auditing requirements are not unreasonable or onerous.

3. Should certificates of currency be submitted as proof of insurance, or is annual self-certification sufficient for this purpose?

We do not have a position on this, with the respective bodies of AIBS, PIA and private professionals best placed to respond to this question. We understand the Mutual Liability Scheme will cover council officers and CAP members.

4. How important is design as a non-mandatory Continuing Professional Development topic compared with other non-mandatory topics?

Given the emphasis on good design in the state planning reforms process, and the Planning and Design Code, we agree it is an important topic to be included as part of Continuing Professional Development for both planning and building professionals.

Previous comments

The following comments from our previous submissions remain relevant:

- Policy Planners should also continue to be accredited to ensure a high standard of advice to authorities on amendments to the Planning and Design Code.

- Given that an Assessment Manager can delegate powers to council staff, the scheme should consider either extending accreditation, or prescribing minimum levels of qualifications and experience, for all staff with delegations under the PDI Act. This could include different levels of delegations.

- Development Compliance and Support staff undertaking enforcement, issuing notices or providing preliminary advice should have a minimum level of Certificate IV in Local Government (Planning), either as part of accreditation or a simpler way of prescribing it in the PDI Act/Regulations.

We remain of the view that all council staff (and also state government staff and private certifiers) with delegations under the PDI Act should have appropriate minimum levels of qualifications and experience. If it will be onerous and costly for all professionals to be accredited, then the higher levels of 1 and 2 could be confirmed through accreditation and the lower levels of 3 and 4, and possibly also compliance and support staff, could have prescribed qualifications and experience only. We also previously suggested the planning professionals level 2 be expanded to include Policy Planner and Senior Planner positions.

It remains unclear how councils will enable acting arrangements for an Assessment Manager during times of leave or unavailability. We understand it may be possible to have multiple Assessment Managers, but this seems confusing. In our office, we expect
to be able appoint an acting Assessment Manager when needed from one of our appropriately qualified and experienced Team Leaders or Principal Planner, and we could ensure the staff in these positions have level 1 accreditation as planning professionals.

**Other comments**

The following comments from our submission on the Assessment Pathways are also relevant to this submission:

- *Within councils, we recommend our current delegation arrangements where the Council Assessment Panel (CAP) only determines applications that have received valid representations requesting to be heard, or if considered by the Assessment Manager to be of economic, environmental, social or political significance.*

- *CAPs – we suggest the ability for Assessment Managers to appoint short term accredited professionals if needed to ensure a quorum.*

- *Appeals – the concept of appealing decisions to the CAP in the first instance has significant merit, as it makes the system more accessible and less litigious than the current system has evolved into. However, in the example of an Assessment Manager decision being appealed to the CAP, this presents a potential conflict for the Assessment Manager. More broadly though, we have significant concerns with respect to Relevant Authorities being individually responsible for defending decisions, rather than a body like the CAP or State Commission Assessment Panel.*

Should appeals be made to the CAP, prescribed fees should be applicable as the council will be responsible for paying the sitting fees of CAP members. Some requirements should be put in place to ensure such an appeal is dealt with in a timely manner (as, in our CAP’s case, we often cancel scheduled meetings due to a lack of items to be considered); alternatively, an additional fee may be prescribed if the appellant requires a special/urgent meeting of the CAP to deal with the matter.

I trust our comments are helpful and contribute to the development and implementation of this important initiative in our new system. I, and any of our professional officers, are available to provide further information on any of the above comments.

In the first instance, please contact Ben Victory, Principal Planner on [contact information].

Yours sincerely

[Signature]

Renée Mitchell
Manager Development Services

Cc: Have Your Say