Royal Australian Planning Institute (NSW Division)

An Accreditation Scheme

for use under Section 109S of the Environmental Planning and Assessment (Amendment) Act 1997 No 152

August 1999
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Introduction

This report outlines an Accreditation Scheme for the Royal Australian Planning Institute (RAPI) (NSW Division) for use under the private accredited certifier provisions of the NSW Environmental Planning and Assessment (Amendment) Act 1997 (EP&A (Amendment) Act 1997). This Scheme provides the basis on which RAPI NSW will apply to the Minister for Urban Affairs and Planning under Section 109S of the EP&A (Amendment) Act 1997 to be an Accreditation Body.

This Scheme is designed to meet the requirement of the legislative framework and to be consistent with the EP&A (Amendment) Act 1997 and associated Regulations. It is also expected to provide a model for other RAPI Divisions throughout Australia.

It also reflects the Draft Guidelines – Accreditation Schemes from the Department of Urban Affairs and Planning.

After a statement of objectives, the Accreditation Scheme is presented in three parts:

- Part 1 sets out the procedures RAPI NSW will adopt to fulfil its role as an authorised accreditation body under the Act. This spells out what someone will have to do, and the qualifications and skills that are required, to be accredited as a certifier.
- Part 2 describes the key elements of the Scheme’s management and operation by RAPI NSW.
- Part 3 looks at issues of quality assurance and risk management.

Overall, the Scheme reflects three fundamental principles:

1. The first is to reinforce and extend RAPI NSW’s role, status and standards as a leading professional organisation in planning and development;
2. The second is to ensure that the Scheme meets the standards and provisions as they have been set down in the new legislative framework; and
3. The third is to ensure that, as far as possible, any certifier accredited under the provisions of this Scheme will make a positive contribution to the success of the new development process and to the quality of development generally.
Objectives of the Accreditation Scheme

The objectives of the RAPI NSW Accreditation Scheme are to:

1. Ensure that certifiers accredited by RAPI NSW achieve and sustain the highest standards of practice and performance.

2. Reinforce RAPI NSW’s position as a leading professional organisation in planning and development in NSW.

3. Match the level of qualifications, skills and conduct for accredited certifiers with the specific certifying tasks in which they will be involved.

4. Establish an accreditation framework that could be extended and revised to accommodate any future extension in NSW of the use of private accredited certifiers.

RAPI Organisational Structure, Membership and Resources

RAPI was founded in 1951 and is the national organisation representing qualified urban and regional planners in Australia. It is a federation of State and Territory Divisions with National Council comprising one representative from each Division, an elected president and an Honorary Secretary/Treasurer. The RAPI organisational structure, National Secretariat Functions and role of the National Policy Director are included as Attachment 1. In 1998 RAPI had 3383 members, an operating revenue of $440,264 and retained profits of $406,716.

The NSW Division of RAPI comprises a committee of 17-21 persons, with representatives from local and state government, private planning practice, academia and the legal profession. From 1998 to 2000 the six sub-committees include Metropolitan and Environment, Local Government, Regional and Rural Affairs, Finance and Member Services, Consultant Planners, Young Planners and Accreditation and CPD. The NSW Division of RAPI in 1998 had 1041 members of which over 60% had a corporate or higher membership status. The annual operating budget is approximately $100,000 with a small annual profit.

RAPI NSW as the accreditation body will comply with all the requirements of the EP&A (Amendment) Act and Regulations. The Accreditation Committee is responsible for the implementation of the Scheme and will report directly to the President and Executive Committee of RAPI NSW. To exercise these functions the Accreditation Committee will establish an Assessment Panel, Appeal Panel and Conduct and Disciplinary Panel. The persons selected for these panels will be drawn from RAPI NSW’s existing membership and will have appropriate expertise and experience for the tasks they will be performing.

The Scheme will be administered through RAPI’s Sydney office at Capital Conferences, Grosvenor Place, Sydney NSW 1220 (ph 02 92425857, fax 02 92415282 and EMAIL rapinsw@ozemail.com.au). Capital Conferences provides full time administrative support for RAPI.
and additional staff will be employed if required.

In 1998 RAPI NSW allocated $10,000 to the preparation of the Accreditation Scheme and has committed further funds to cover administrative and other costs associated with the operation of the Scheme in 1999. RAPI NSW is confident that it has sufficient resources to act as an accreditation body and has the full support of its National Council.
Part I: Obtaining accreditation – the basic procedures

The basic procedures for obtaining accreditation as a private certifier are set out in this section. The basic model on which the accreditation process has been constructed combines the following elements:

- RAPI’s membership structure and framework (Attachment 1)
- Academic requirements for Corporate RAPI membership (Attachment 2)
- The commitment within RAPI to continuing professional development (CPD) (Attachment 3)
- RAPI’s own Code of Conduct (Attachment 4)
- The evolving competency framework within RAPI
- The necessity for adequate insurance cover.

The intention is to use those elements in various combinations to provide a solid foundation on which to base the accreditation process for private certifiers. RAPI already has in place a wide range of criteria, professional standards and core commitments to ethical behaviour, professional expertise and professional development. The task of the accreditation process in this context is to decide what specific combination of those elements provides an appropriate foundation for accreditation for specific certification activities or “bundles” of certification activity.

The accreditation process, in that sense, can be defined as an equation:

\[
\text{Level of accreditation} = \text{Eligibility for corporate RAPI membership} + \text{Competency} + \text{CPD} + \text{Insurance} + \text{Adherence to Code of Conduct}
\]

Underpinning all of that is a central commitment to recognise, understand and abide by the Institute’s Code of Conduct and not to practice outside one’s area of expertise and competence.

1.1 Levels of accreditation

There are three levels of accredited certifier and a principal certifying authority (PCA). The five types of certificates that can be issued by accredited certifiers are included as Attachment 5. The function, competency, qualifications and experience required for each level and the certificates that can be issued are described in the following sections 1.1.1-1.1.4. Where an accredited certifier (Level 2&3 only) wishes to issue certificates with respect to the BCA he/she must demonstrate that he/she is competent to perform the functions outlined in Attachment 6.

In addition to the following requirements, all accredited certifiers and PCA’s must:

- Comply with RAPI CPD requirements, including the annual submission of CPD log book and attendance at RAPI CPD accreditation seminars or equivalent (see Attachment 3);
• Comply with the RAPI Revised Code of Professional Conduct 1998 (see Attachment 4);
• Only certify development that is within his/her area of competence and expertise;
• Agree to the auditing requirements of the Department of Local Government, in accordance with the provisions of the Act, if required;
• Agree to provide information in a timely manner and co-operate with the Ombudsman’s Office and/or the Independent Commission Against Corruption, if required; and
• Not issue any certificates relating to buildings assessed against the alternative solutions to the Performance Requirements for the fire safety matters of the BCA (Sections B,C,D&E) unless the applicant can demonstrate competence in this field.

1.1.1 Accredited Certifier – Planning and Development (Level 1)

Function
To issue complying development certificates and compliance certificates related to conditions of development consent that do not involve building/engineering work and does not involve a change in classification of the building under the Building Code of Australia.

An Accredited Certifier – Planning and Development (Level 1) will not be able to issue complying development certificates that involve building work, construction certificates, BCA compliance certificates, subdivision certificates or occupancy certificates.

Competency
The applicant for Accredited Certifier – Planning and Development (Level 1) must demonstrate:
• An understanding of the development approval process and an ability to interpret development consent conditions;
• Active participation in the development control process which includes the understanding and application of state and local planning policies under the EP&A (Amendment) Act 1997 and other relevant legislation; and
• A detailed understanding of exempt and complying development categories in Local Environmental Plans which will be defined in each Plan.

Qualifications
• Corporate member of RAPI (or eligible for corporate membership) that requires:
  i) A recognised academic qualification and 2 years appropriate experience; or
  ii) A non-recognised planning qualification and 5 appropriate years experience, as well as passing an examination in “Australian Planning Law and Practice (see Attachment 2).

Experience
• At least 2 years full time experience either assessing development applications within a council, government or statutory authority or preparing development applications, statements of environmental effects or other development oriented tasks for the private sector.
1.1.2 Accredited Certifier – Planning and Development (Level 2)

Function
To issue complying development certificates and compliance certificates related to conditions of
development consent provided:

- the work does not involve a change in classification of the building under the Building Code of
  Australia; and
- the building does not exceed three storeys or 2000m² floor area.

However, an Accredited Certifier – Planning and Development (Level 2) will only be able to issue
certificates relating to BCA matters if he/she meets the specific BCA competency, qualification and
experience requirements outlined below.

To issue subdivision certificates for boundary adjustments, plans of consolidation and up to five lot
subdivisions that do not involve drainage, sewage and water supply and comply with relevant
environmental planning instruments.

Subdivision certificates (other than those mentioned above) or occupancy certificates cannot be
issued at this level.

Competency
The applicant for Accredited Certifier – Planning and Development (Level 2) must demonstrate:

- An understanding of the development approval process and an ability to interpret development
  consent conditions;
- An understanding of exempt, complying and local development categories in Local
  Environmental Plans;
- An understanding and application of planning instruments and policies which would include
  consideration of issues such as siting and design, heritage, streetscape, infrastructure services,
  waste management and traffic, parking and access.
- An ability to evaluate and judge the impact development may have on its environment.
- A knowledge and ability to interpret the classification of system of the BCA
- A sound knowledge of the BCA and other relevant legislation such as the Disability
  Discrimination Act, the Food Act and the Swimming Pools Act;
- An understanding of, and experience in, assessing BCA related building design for common
  types of complying development such as single dwellings, dwelling alterations and additions,
  swimming pools.

Qualifications
- Corporate member of RAPI (or eligible for corporate membership) which requires:
  i) Recognised academic qualification and 2 years appropriate experience or
  i) Non-recognised planning qualification and 5 years appropriate experience, as well as
  passing an examination in “Australian Planning Law and Practice (see Attachment 2).
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• Authority to issue certificates that involve building work requires a Degree or Graduate Diploma in Building Surveying or equivalent, such as architecture or structural design, and two years experience in assessment of building design and the assessment of construction of buildings for compliance with the BCA. Alternatively an applicant would have to demonstrate to the assessment panel that he/she has the competency to undertake the functions of an accredited certifier issuing BCA related certificates as detailed in Attachment 6 in addition to the other competency requirements listed in this Scheme.

Experience

• At least 3 years full time experience either assessing development applications within a council, government or statutory authority or preparing development applications, statements of environmental effects or other development oriented tasks for the private sector.

• Authority to issue certificates that involve building work requires the applicant to have at least two years experience in the assessment of the design and construction of buildings not exceeding 3 storeys or less than 2000m² in floor area.

1.1.3 Accredited Certifier – Planning and Development (Level 3)

Function

To issue complying development certificates, compliance certificates related to conditions of development consent and the BCA, and construction certificates. However, an Accredited Certifier – Planning and Development (Level 3) will only be able to issue certificates relating to BCA matters if he/she meets the specific BCA competency, qualification and experience requirements outlined below.

To issue subdivision certificates for minor boundary adjustments, plans of consolidation and up to ten lot subdivisions that do not involve drainage, sewage and water supply, unless this work is certified by another accredited certifier, and comply with the relevant environmental planning instruments.

Competency

The applicant for Accredited Certifier – Planning and Development (Level 3) must demonstrate:

• An understanding of the development approval process and an ability to interpret development consent conditions;

• An understanding of exempt, complying and local development categories in Local Environmental Plans;

• An understanding and application of planning instruments and policies which would include consideration of issues such as siting and design, heritage, streetscape, infrastructure services, waste management and traffic, parking and access;

• An ability to evaluate and judge the impact development may have on its environment; and

• An understanding of engineering design and construction process.

If certificates that involve building work are to be issued the applicant must demonstrate:
• a thorough understanding of the BCA and that he/she is able to undertake the functions detailed in Attachment 6.

If subdivision certificates are to be issued the applicant must demonstrate:

• An understanding of subdivision legislation including the Strata Titles Act and Community Title Legislation;
• An understanding of the subdivision process and cadastral survey practice.

Qualifications

• Corporate member of RAPI (or eligible for corporate membership) which requires:
  i) Recognised academic qualification and 2 years appropriate experience or
  ii) Non-recognised planning qualification and 5 years appropriate experience, as well as passing an examination in “Australian Planning Law and Practice (see Attachment 2);

• Authority to issue certificates that involve building work requires a Degree or Graduate Diploma in Building Surveying or equivalent, such as architecture or structural design, and five years experience in assessment of the design and construction of buildings for compliance with the BCA. Alternatively an applicant would have to demonstrate to the assessment panel he/she has the competency to undertake the functions of an accredited certifier issuing BCA related certificates as detailed in Attachment 6.

Experience

• At least 5 years full time experience either assessing development applications and building applications or construction certificates within a council, government or statutory authority or preparing development applications, statements of environmental effects or other development oriented tasks for the private sector.
• Extensive experience in the assessment of building design and the assessment of the construction of buildings for compliance with the BCA. This experience must include assessment of buildings of over three storeys or 2000m² of floor area.

1.1.4 Principal Certifying Authority (Planning and Development)

Function

To issue occupancy and subdivision certificates for building or subdivision work in accordance with a development consent or complying development certificate. This would involve the review and determination of all matters relating to compliance with the development consent or complying development certificate. For example ensuring the use and building classification are consistent, the building is fit to occupy and specific requirements such as fire safety have been met or that subdivision works have been satisfactorily completed.

Competency

The PCA (Planning and Development) must demonstrate:

• An understanding of project management and/or development management being the
coordination of project design, construction and compliance with development consent or a complying development certificate;

- A thorough understanding of the relationships between activities in the development process from the design to construction of building and/or subdivision works;
- The ability to ensure that the documentation addresses and certifies all conditions imposed on the development consent or complying development certificate;
- A comprehensive knowledge of the relevant legislation including the EP&A Amendment Act and the Local Government Act;
- Organisational skills to effectively manage the certification and inspection process.

In addition, where occupancy certificates relating to building work are to be issued, the applicant must be accredited at accredited certifier level 2 or 3 for BCA matters and must demonstrate:

- A comprehensive knowledge of, and experience in, the application of the BCA;
- Ability to assess the health and safety of the building;
- An understanding of fire engineering principles; and
- Ability to undertake/oversee the inspection process to ensure full compliance is achieved.

If subdivision certificates are to be issued the applicant must also demonstrate:

- An understanding subdivision legislation;
- An understanding of engineering design and construction and cadastral survey practice; and
- Ability to coordinate liaison on all the necessary approvals from public authorities such as water and sewerage, electricity, telecommunications, gas and fire service.

Qualifications

- Corporate member of RAPI (or eligible for corporate membership) which requires:
  i) Recognised academic qualification and 2 years appropriate experience; or
  ii) Non-recognised planning qualification and 5 years appropriate experience, as well as passing an examination in “Australian Planning Law and Practice (see Attachment 2).

Experience

- At least five (5) years project management or development management experience in one or more of the following:
  i) management of a development assessment team for a development consent authority or government authority;
  ii) management of a consultancy involved in project formulation and/or execution;
  iii) other experience considered by the panel to provide a thorough understanding of development project management

- Documentary evidence of experience in dealing with compliance with the BCA and inspection requirements and subdivision matters where relevant.
1.2 Operation of the Scheme

The RAPI NSW Accreditation Committee will operate the Scheme.

This Accreditation Committee is responsible for the implementation of the Scheme and will report directly to the President and Executive Committee of RAPI NSW. The Accreditation Committee is also responsible for CPD in New South Wales.

The role of the Accreditation Committee in relation to accreditation is as follows:

1. To finalise and submit the Scheme for Ministerial approval
2. To establish an Assessment Panel to evaluate applications for Accredited Certifiers – Planning and Development and Principal Certifying Authority – Planning and Development
3. To establish an Appeal Panel to deal with appeals against accreditation decisions.
4. To establish a collaborative relationship with other Accreditation bodies. To consider the options available to administer the Scheme and to comply with the registration and reporting requirements of the Act
5. To ensure that RAPI NSW has in place the appropriate Conduct and Disciplinary Panel prior to the Scheme becoming operational
6. To review the role of the Committee in 12 months.

1.3 Applying for Accreditation

Anyone who fits the eligibility criteria (see above) for accreditation under the RAPI NSW scheme can apply for accreditation.

Applications have to be on the standard RAPI NSW Accreditation application form. The form will require applicants to nominate the level of accreditation sought, the certificates to be issued and any limitations sought in relation to type, size, value or complexity of project.

Applications can be lodged at any time and will be referred to the Assessment Panel immediately after lodgement. The Assessment Panel will have a minimum of three corporate members with one being experienced in Building Code of Australia matters.

The application and assessment process will involve the following steps or stages:

- Verification of the application and the associated material by the Assessment Panel (ie confirmation of eligibility for RAPI membership, competency, qualifications and work experience etc).
- Assessment of the application by the Assessment Panel. Applications should include at least three (3) referees nominated by the applicant who are able to provide an assessment of the applicant’s recent work and capacity to undertake the kind of certification work for which they are seeking certification.
- An interview with the any applicant for Level 3 Accredited Certifier – Planning and Development and/or Principal Certifier Authority – Planning and Development.
• The recommendation of the Assessment Panel will be forwarded to the Accreditation Committee and the applicant will be notified in writing of the Committee’s decision.

1.4 Appealing an Assessment Panel Decision

If the Assessment Panel rejects an application for accreditation, the applicant can appeal the decision within two months of the date of the original decision. In that situation, the following steps will be involved:

• A formal appeal has to be lodged by the applicant with the Accreditation Committee, using the standard appeal form.

• The Committee will establish a separate Appeal Panel, comprising a minimum of three (3) persons – two corporate members of RAPI and one other suitable person (none of whom will be members of the Assessment Panel). One of the applicant’s nominated referees will be invited to attend the meeting.

• The Appeal Panel will take evidence, either in writing or in person, from the applicant, including any additional supporting information not provided as part of the original application.

• The Appeal Panel will then consider its decision, and make a recommendation to the Accreditation Committee either to uphold the original decision or to reverse it to allow the applicant to be accredited.

The decision of the Accreditation Committee, based on the recommendation of the Appeal Panel, is final. The applicant will be advised of the decision in writing.

1.5 Form of accreditation

In line with the provision of the new legislation, accreditation will be offered for 12 months at a time with annual renewal thereafter subject to proof of current insurance, CPD and other information detailed in Section 1.7.

Accreditation will be by way of a certificate to individuals (not companies or bodies corporate), indicating the applicants name (and business name, where relevant), category of accreditation, date of accreditation and date of expiry of the accreditation.

1.6 Access to information

All private certifiers accredited under the Scheme will be registered on the RAPI NSW Private Certifiers Database. Information from the database will be available at all reasonable times from the keeper of the Register. This may be achieved through access to a paper document or via the internet. Members of the public will be able to inspect the register free of charge, during normal office hours. Copies of extracts from the register will be available from RAPI’s NSW Divisional Office on payment of a fee.

1.7 Review and renewal

As well as the formal audit and evaluation procedures (see Section 3, below), the Scheme provides for annual review and renewal process for all accredited certifiers and principal certifying authorities.
Accredited certifiers and principal certifiers must apply annually to RAPI NSW for re-accreditation. RAPI NSW, through the re-accreditation process, will confirm that an accredited certifier or principal certifying authority continues to have the appropriate qualifications and experience to exercise the private certification functions sought.

Accredited certifiers and principal certifying authorities applying for annual re-accreditation must provide the following information:

(a) Proof of current insurance;
(b) Proof the CPD requirements have been met;
(c) Where the accredited certifier is accredited under the scheme to issue certificates relating to building matters covered under the BCA, proof that CPD has included a major component of BCA education;
(d) A list of all projects for which a certificate was issued, including the estimated cost of the project;
(e) The types of certificate issued for each project;
(f) The classification of the building work in accordance with the BCA (where applicable);
(g) The Local Government area in which each project is located.

The information is to be made available on request to the Department of Urban Affairs and Planning and to the Department of Local Government.

1.8 Refusing, withdrawing or suspending accreditation

Consistent with the new legislation (see Section 81L of the Regulations), RAPI NSW will refuse, withdraw or suspend an accreditation on the following grounds:

- Where the accredited certifier dies;
- Where the accredited certifier is a mentally incapacitated person;
- Where the accredited certifier applies, in writing to RAPI NSW, for withdrawal of the accreditation;
- Where the accreditation is suspended under corresponding State or Territory legislation;
- Where it becomes clear that the original accreditation was based on an error of fact (whether or not that emerges from the applicant for accreditation or from some other source);
- Where RAPI NSW is satisfied that misconduct, negligence or unethical behaviour dictates that the person should not continue to act as a certifier under the scheme.

RAPI may also suspend a person’s accreditation if the person makes a written request to the accreditation body for suspension or the person’s accreditation as a certifier is suspended under corresponding legislation of the Commonwealth or of some other State or Territory.
1.9 Liability and insurance

In line with the provision of Section 109ZN of Schedule 1 of the EP&A (Amendment) Act 1997, accreditation cannot be given to any applicant without evidence being provided that they have current insurance covering them for liability in their role as a private accredited certifier. This insurance must extend to the date of the next accreditation.

Applicants will have to take out insurance policies that carry a minimum insurance cover of $1 million and automatic “run off”. The run-off provision means that an Accredited Certifier will have insurance cover for any defective work for 10 years after they cease to practice as a certifier. Other details of the required insurance cover for accredited certifiers are set out in clauses 81N-Y (inclusive) EP&A Regulations. These details include company and partnership contracts, indemnity, excess and exceptions and exclusions.
Part 2: Managing the Accreditation Scheme

The Accreditation Scheme will be managed as an integral part of RAPI (NSW Division). The Scheme is an important part of the development of RAPI’s mission to promote excellence in the practice of urban and regional planning.

The separate Accreditation Committee will manage the Scheme however, the Executive Committee of RAPI NSW will be ultimately accountable for the management and performance of the Accreditation Scheme.

The Accreditation Committee’s membership will include corporate members of RAPI and members with specific legal and training/education expertise. The Accreditation Committee will set up an Assessment Panel, an Appeal Panel and a Conduct and Disciplinary Panel to discharge the Committee’s responsibilities in a timely, efficient and equitable manner.

The Accreditation Committee will be responsible for:

- Establishment and maintenance of the Register for certifiers accredited under the RAPI Scheme;
- Provision of information to the public and government;
- Record keeping;
- Preparation of the Annual Accreditation Report;

Information to be kept on the Register include:

- The names of all accredited certifiers and the address of the place of business;
- The class of matters for which they are accredited;
- The date on which they were first accredited;
- The date on which accreditation was renewed;
- The name of the insurer with whom the certifier has taken out the required insurance, the identifying number of the relevant insurance contract and the dates between which the indemnity cover provided has effect;
- Any terms or conditions applicable to the accredited status;
- Information on whether a person’s accreditation is currently suspended or has previously been suspended by RAPI NSW; ans
- Dates on which the accreditation ceases to have effect.

Copies of the Register of RAPI NSW Accredited Certifiers will be made available to the Director-General of the Department of Urban Affairs and Planning and can be accessed via the RAPI internet site.

The Accreditation Committee is also responsible for the keeping copies of all applications, notices, records, reports and documents as required by clause 81I of the Regulations.
2.1 Accreditation Code of Conduct

The Code of Conduct by which all certifiers accredited under the RAPI Accreditation Scheme will be expected to abide is the RAPI Revised Code of Professional Conduct (November 1998).

The Code covers the following issues:

- Professional standards
- Conflicts of interest
- Confidentiality and disclosure
- True professional opinion
- Professional competence
- Marketing of services
- Fair competition
- Duties and responsibilities

As stated in Part 1 Accredited Certifiers and Principal Certifying Authorities under this Scheme will also be required to confirm that they will not operate outside their area of expertise and competence.

2.2 The Conduct and Discipline Panel

The Conduct and Discipline Panel will be responsible for monitoring the conduct of accredited certifiers in accordance with cl 81B of the Regulations. The Panel will be made up of professional and experienced practitioners capable of investigating any complaint and providing an objective assessment of any alleged breach of the Accreditation Scheme including RAPI’s Code of Professional Conduct (see Attachment 4).

The Conduct and Discipline Panel will include an independent person with legal expertise (see section 4.1 of the Code of Conduct). All members will be required to have a sound knowledge of the disciplinary procedures and methods of implementation contained within the Act (in particular Sections 109W, 109X, 109Y, 109Z, 109ZD and 109ZF), Regulations and RAPI Code of Conduct.

2.3 Handling disputes and complaints

The process for handling disputes and hearing complaints against Accredited Certifiers reflect the provisions of the legislation (see Section 109V, Division 3, Schedule 1 – p 103 ff).

Those provisions define:

- Persons who may make complaints;
- Investigation by accreditation body of complaints;
- Powers of accreditation body in the investigation of a complaint;
- Decisions after the investigation; and
- The role of the Administrative Decisions Tribunal.
The Conduct and Discipline Panel of RAPI NSW will handle complaints and disputes.

Key steps in the RAPI NSW scheme for handling complaints or dealing with any disputes that arise in the work of a certifier will be as follows:

1. Anyone may make a complaint against a certifier accredited under the RAPI NSW Scheme;
2. The complaint must be in writing and contain the particulars of the allegations on which it is based;
3. The complaint must be verified by an accompanying statutory declaration by the person lodging the complaint;
4. If necessary, RAPI may ask the person making the complaint to provide further details about the complaint;
5. Once a complaint has been received, RAPI will inform the accredited certifier, against whom the complaint has been lodged, of the nature of the complaint;
6. The certifier against whom the complaint has been made will then have a minimum of seven (7) days, and a maximum of 28 days, to make any representations they wish to RAPI in respect of the complaint that has been lodged against them;
7. RAPI NSW will then undertake an investigation of the complaint as quickly as possible, drawing on the range of powers that are established under the Act (Section 109X – powers of accreditation body in investigation of complaint);
8. Under this Scheme, RAPI NSW will have the following options available to deal with the complaint, once it has been investigated:
   - Institute proceedings against the accredited certifier in the Administrative Decisions Tribunal if there is a reasonable likelihood that the accredited certifier will be found guilty by the Tribunal of unsatisfactory professional conduct or professional misconduct (see Section 109R of the legislation for relevant definitions); or
   - If there is a likelihood that the Tribunal will find the accredited certifier guilty of unsatisfactory professional conduct (but not professional misconduct), RAPI may instead:
     (a) Caution or reprimand to the certifier
     (b) Impose additional conditions on the accreditation of that certifier
     (c) Order that the certifier to complete such educational courses
     (d) Order that the certifier report on their conduct
   - If RAPI NSW does not believe there is a reasonable likelihood that the complaint against the certifier will lead the Tribunal to find the certifier guilty of either unsatisfactory professional conduct or professional misconduct, the complaint will be dismissed.

1. RAPI NSW will place all complaints and details of the outcome of the investigation on a register of complaints that will be available through the NSW Divisional Office and on the internet. The register of complaints will be made available free of charge to the Ombudsman’s Office.
2. RAPI NSW will advise all complainants in writing of the outcome of their complaint and the reason for RAPIs’ decision.

3. If a complainant is dissatisfied with the outcome of RAPI’s investigation a review of the decision can be requested within 28 days of notification of the decision.

4. If the Panel is of the opinion that complaints against an accredited certifier warrant further investigation the matter can be referred to the NSW Ombudsman’s Office, ICAC or the Department of Fair Trading.

5. All reasonable assistance will be given to the NSW Ombudsman’s Office and ICAC to enable these organisations to conduct investigations of accredited certifiers.

6. Details of the complaints system, complaints handling and external referral provisions will be available to accredited certifiers and the general public.
Part 3: Risk management and quality assurance

This final section of the RAPI NSW Accreditation Scheme sets out the provisions for monitoring and reporting on the performance of the overall Scheme, and for undertaking a regular audit of all aspects of the Scheme.

3.1 Monitoring, evaluation and reporting

RAPI will establish a three-level framework for monitoring and evaluation the overall performance of the accreditation Scheme.

Level 1: random audit

During each 12-month period, RAPI NSW Accreditation Committee will carry out a random audit check of the work and performance of Accredited Certifiers and Principal Certifying Authorities accredited under the Scheme.

The random audits will cover the following issues:

- A check of all the relevant documentation that the certifier should have in place to cover his or her work as an accredited certifier, including:
  - The original application
  - The certificate of accreditation
  - Up-to-date insurances required under the Scheme
  - Evidence of the records that certifiers are required to keep in respect of their work as certifiers under Clause 81M of the Regulations (“record keeping by accredited certifiers”).
  - Confirmation that there have been no complaints lodged with the Accreditation body against the certifier and, where complaints have been lodged and dealt with, whether the certifier is abiding by any conditions and provisions as a consequence of the complaint.
  - A random check with one or more of those Councils in whose jurisdiction the certifier has been working to confirm whether or not there have been any reported problems or difficulties with any aspect of the certifier’s work.

Level 2: regular evaluation

- Once every three (3) years, RAPI NSW Accreditation Committee will undertake an evaluation of the performance of the Accreditation Scheme.

- The evaluation will focus on the following issues:
  - The effectiveness of the Scheme (looking especially at issues such as the level of complaints against individual certifiers and the quality of the work done by certifiers accredited under the RAPI scheme)
  - The efficiency and resource implications of the Scheme (its costs, other RAPI resources it uses, the level of fees raised etc)
  - The structure and management of the Scheme.
Evaluations generally will involve the following methodologies.

- “Desk” research to confirm the quality and standard of documentation and internal administrative processes, using the provisions of the legislation as the basic assessment framework.
- Surveys (both qualitative and quantitative) of certifiers and of a selection of clients who have used RAPI NSW accredited certifiers to assess their views and perceptions of the quality of RAPI NSW’s Accreditation Scheme.
- An environmental “scan” to identify major trends and issues in the operating environment that are having, or might have, a significant impact on any aspect of the Scheme.

Level 3: annual accreditation report

- In line with the provisions of the regulations (Section 81K of the Regulations), RAPI will publish, as soon as possible after 30 June each year, a report detailing key aspects of the performance of the Scheme. These will include:
  - (a) The number of people accredited by RAPI NSW in the previous 12 months
  - (b) The number of complaints made to RAPI NSW against certifiers accredited under its Scheme in the previous 12 months, and the action RAPI has taken in respect of each individual complaint (including dismissing the complaints, action by the Tribunal, suspension of accreditation etc).
  - (c) The results of its program of random audits of the performance of individual certifiers carried out in the previous 12 months.
  - (d) Overall details of the Scheme, including the total number of accredited certifiers.

- The Annual Report will be submitted to the Minister who will then lay the Report before both Houses of Parliament for public scrutiny.

3.2 Performance auditing

- Finally, and as well as the provisions outlined above for regular monitoring, evaluation and reporting of performance by RAPI, the Scheme will be subject to the formal auditing provisions of the new legislation (Section 109U, Division 2 of Schedule 1 of the Amendment Act).
- Under these provisions, the Department of Local Government can carry out an investigation into the work and activities of an accredited certifier. If, in the opinion of the Departmental inspector, there is a basis for finding a certifier guilty of unsatisfactory conduct or professional misconduct, the Department must provide a copy of the report to the accredited certifier.
- All accredited certifiers must agree to be audited by the Department of Local Government, in accordance with the provisions of the Act, if required.
- The Department may also (but is not formally required to) provide a copy of the report to RAPI NSW as the authorised accrediting body and may apply direct to the Administrative Decisions Tribunal for a disciplinary finding against the accredited certifier.
ATTACHMENT 1:

RAPI Organisational Structure

NATIONAL COUNCIL
National Council comprises of one representative from each Division, an elected National President, and an Honorary Secretary/Treasurer

DIVISIONS

NSW VIC QLD SA WA TAS ACT NT

Northern NSW Branch
Far North Qld Branch
Central Qld Branch
Darling Downs Branch
Gold Coast Branch

International Division - National Secretariat

Executive Officer Functions
- Research
- Policy Development
- Liaison with Government, private sector, professional and other Non Government Organisations
- Submissions to Government Inquiries
- Securing Additional Human and Financial Resources
- Raising the profile of the Profession and the Institute

National Secretariat Functions
- Membership Administration
- Member Services
- Administration
- Education Support
- Public Affairs Support
- Financial Administration
- Continuing Professional Development Support
National Secretariat Functions

The Institute operates a centralised finance system, for National Accounts. All budget receipts and payments are processed by the National Secretariat. Financial performance is reviewed by National Council with a 3 year Financial Management Programme initiated in 1998. Divisions are responsible for their own financial accounts. These are monitored with Annual Reporting to the National Secretariat and National Council.

The Institute’s membership records are maintained on a data-base at the National Secretariat. Each Division has full access to this database. The National Secretariat functions include:

- processing subscriptions, renewal forms, receipts;
- processing Membership applications and changes in status including verifying membership eligibility;
- distributing membership and continuing professional development certificates;
- maintaining a National/Divisional membership register;
- maintaining the National Register of Planning Consultants;
- producing mailing labels for *Australian Planner* and Divisions;
- producing statistical reports; and
- processing ethics and disciplinary matters for consideration by National Council.

Other administration duties include:

- preparation of an Annual Report
- arranging for annual audit;
- maintenance of the Institute’s By-laws and Code of Professional Conduct;
- production and maintenance of the RAPI Member Handbook;
- information brochures;
- production and maintenance of the RAPI Councillor handbook; and
- production and maintenance of the RAPI Membership Convenor handbook
- production and distribution of Institute Policy Statements.

**Education**

- maintaining the National Register of RAPI Accredited Planning Courses;
- co-ordination of the Course Recognition Board visits;
- confirmation of the Recognition of Accredited courses by National Council and the Institute at the Annual General Meeting.
Continuing Professional Development (CPD)

RAPI initiated a CPD Program in February 1996. It is important that public confidence in the planning profession be maintained and that Corporate Membership of RAPI be held in high regard by the professional and the wider community as an indicator of our professional competence and the quality of our professional services. CPD seeks to ensure that all Corporate Members accept personal and public responsibility for maintaining their professional competence as required by the Institute’s Code of Professional Conduct. Further information and CPD Guidelines can be obtained from the National Secretariat.

Public Affairs

Public Affairs functions of the national Secretariat focus on external relations by:

• Supporting the organisation and presentation of an Annual Congress.

• Fostering debate within the community on issues related to urban and regional planning;

• Increasing the confidence of the community in the employment of qualified and recognised urban and regional planners.

• Liaising with Governments, Educational Institutions and the Members of the profession to support planning education and training in Australia and Overseas.
National Policy Director

The position of National Policy Director was created in response to Members requests. The principal roles and nations of the National Policy Director are policy development; raising the profile of planning and the Institute; research and analysis of current issues; liaison.

Policy Development
The primary function of the position is to develop policy and to prepare policy statements on various topics or subject areas. Policy development also involves pursuing members concerns in the public policy arena, such as the recent debate about the powers and immunities of the telecommunications carriers from State and local planning laws, or the Commonwealth’s withdrawal from a direct involvement in urban and regional affairs.

Raising the profile of the Planning Profession and the Institute
Key objectives of this function include gaining greater acceptance by Government of RAPI’s policies, advice and expertise and raising the profile of the Institute as a credible source of advice and opinion on a wide range of subject areas relating to planning.

Research and analysis of current planning issues
This involves identifying areas of strategic importance to the Institute and the profession and keeping abreast of members’ concerns and matters affecting the profession. The aim is not to conduct original research but to draw on existing research and members’ skills and expertise in preparing policy positions or submissions.

Liaison with Government, Opposition, Professional Associations, peak bodies, academic institutions and other Private Sector, Non-Government Industry Organisations.
Developing alliances or formal working relationships on areas of common concern with other professional associations and other national associations or peak industry organisations to achieve beneficial outcomes for Members. The Institute has alliances with the Australian Local Government Association, the Property Council of Australia, the Australian Council of Social Service, the National Environmental Law Association and the Engineers, Architects, Landscape Architects and Building Quantity Surveyors. We also participate as Directors of the Australian Council of Building Design Professions.

Preparing/Coordinating submissions to Government
The Institute and LPA Members put submissions to Government or Parliamentary inquiries. Preparing and/or coordinating submissions to inquiries on a wide range of matters of national interest or concern is a key way of promoting the benefits of planning and raising the standing of the profession. More recently the Institute has contributed to development of Australia’s Oceans Policy, the National Coastal Planning Guidelines and the National Urban Design Education Strategy.

Securing additional resources
Attracting additional resources either by way of sponsorship, grants or other resources is also important. Opportunities to access these resources are actively sought. Since the position has been created, it has been possible to access considerable resources for specific projects. Members involved in completing these National Projects have demonstrated the capability of the Profession to Governments, Private Sector and other Professional Organisations.
Accredited Planning Courses

NEW SOUTH WALES

E-1-2
University of NSW
Faculty of the Built Environment
Planning & Urban Development Program
UNSW   SYDNEY   2052

Courses:
Bachelor of Town Planning (4 yr + 1 work exp)
Master of Planning (to 1997)

Contact: Mr Stephen Harris
Program Head
Tel: 02-9385 4833
Fax: 02-9385 4507
E.mail: s.harris@unsw.edu.au

Re-Accreditation: 2001 = BTP, 1998/99 = MUDD

E-1-4
University of Sydney
Faculty of Architecture
Dept of Urban and Regional Planning
SYDNEY   2006

Courses:
Master of Urban and Regional Planning
Diploma in Urban and Regional Planning

Contact: Mr Greg Mills, Head of Department
Tel: 02-9351 5905 or 02-9351 2304
Fax: 02-9351 4518
E.mail: gmills@archsci.arch.su.oz.au

Re-Accreditation: 1996 (due)

E-1-19
Charles Sturt University
Panorama Avenue
BATHURST   NSW   2795

Courses:
Bachelor of Applied Science (Planning)

Contact: Head of Department
School of Applied Science
Tel: 02-6333 2772
Fax: 02-6331 9634

Accreditation prior to 1990 then Individual review of course completed.
University of Technology, Sydney
Faculty of Design, Architecture and Building
Post Office Box 123
BROADWAY 2007

Course:
Master of Planning

Contact: Dr Glen Searle
Programme Director
Tel: 02-9514 8737
Fax: 02-9514 8877
E.mail glen.searle@uts.edu.au

Re-Accreditation: 2000

Macquarie University
Graduate School of the Environment
SYDNEY 2109

Courses:
Master of Environmental Planning

Contact: Ms Joy Monckton
Tel: 02-9850 7993
Fax: 02-9850 7972
E.mail jmonckto@gse.mq.edu.au

Re-Accreditation: 1996 (due)

University of New England
Department of Geography and Planning
Faculty of Arts
ARMIDALE 2351

Courses:
Bachelor of Urban & Regional Planning (4 yr)
Graduate Diploma of Urban & Regional Planning
Master of Urban & Regional Planning (Hons)

Contact: Mr Chris Cunningham
Tel: 02-6773 2761 or 02-6773 2821
Fax: 02-6773 3030
E.mail ccunning@metz.une.edu.au

Re-Accreditation: 2000
VICTORIA

E-1-10
Royal Melbourne Institute of Technology
School of Social Science and Planning
GPO Box 2476V
MELBOURNE 3001

Course:
Bachelor of Applied Science (Planning) (4 yr)

Contact: Assoc Prof Michael Buxton
Tel: 03-9925 3145
Fax: 03-9925 1087
E-mail: Michael.Buxton@rmit.edu.au

Re-Accreditation: 1998

E-1-7
University of Melbourne
Faculty, Architecture, Building and Planning
Grattan Street
PARKVILLE 3052

Courses:
Master of Urban Planning
Bachelor of Arts (Planning & Design) - 4 yr
Graduate/Postgraduate Diploma in Planning & Design (Urban Planning)

Contacts: Mario Gutjahr or Melissa Roos
Tel: 03-9344 7260 or 03-9344 6450
Fax: 03-9344 5532
E-mail: muwayf@unimelb.edu.au
       registrar@architecture.unimelb.edu.au

Re-Accreditation: 2001

E-1-8
Victoria University of Technology
Department of Social Inquiry & Community Studies
Post Office Box 14428
MELBOURNE MCMC 8001

Courses:
BA (Urban & Regional Planning) + 1 of the following:
Graduate Diploma in Urban Planning; or
Graduate Diploma in Heritage Planning

Contact: Assoc Prof Des Eccles
Tel: 03-9688 4448
Fax: 03-9688 4324
E-mail: des=eccles@vut.edu.au

Re-Accreditation: 2000
E-1-9
The University of Queensland
Dept of Geographical Sciences & Planning
School of Architecture & Planning
QLD  4072

Courses:
Bachelor of Regional & Town Planning (4 yr)
Master of Urban & Regional Planning

Contact:  Professor G.T. McDonald
Tel:  07-3365 6536
Fax:  07-3365 6899
E.mail:  office@geosp.uq.edu.au

Re-Accreditation:  2002

E-1-19
Griffith University
School of Environmental Planning
NATHAN  4111

Course:
Bachelor of Environmental Planning (4 yr)

Contact:  Assoc Prof Lex Brown
Tel:  07-3875 7645
Fax:  07-3875 6684
E.mail:  d.moore@ens.gu.edu.au


E-1-11
Queensland University of Technology
School of Planning Landscape Architecture
& Surveying
GPO Box 2434
BRISBANE  4001

Courses:
Bachelor of Built Environment (Urban & Regional Planning)
Graduate Diploma in Urban & Regional Planning ( 3+1 combination)

Contact:  Dr John Minnery or Danny O’Hare
Tel:  07-3864 2673
Fax:  07-3864 4308
E.mail:  j.minnery@qut.edu.au
d.o’hare@qut.edu.au

Re-Accreditation:  2002
SOUTH AUSTRALIA

E-1-12

University of South Australia
School of Building & Urban Planning
North Terrace
ADELAIDE   5002

Courses
Bachelor of Urban & Regional Planning (4 yr)
Graduate Diploma in Regional & Urban Planning
Master of Regional and Urban Planning

Contact:  Professor Stephen Hamnett
Tel:  08-8302 2297
Fax:  08-8302 1880
E-mail: steve.hamnett@unisa.edu.au

Re-Accreditation: 1999/2000

WESTERN AUSTRALIA

E-1-13

Curtin University of Technology
School of Architecture and Planning
Department of Urban & Regional Planning
GPO Box U1987
PERTH   6001

Courses:
Bachelor of Arts in Urban & Regional Planning (Hons)
Post Graduate Diploma in Urban & Regional Planning  or 
M.A (Planning) including the Post Graduate Diploma

Contact:  Mr David Hedgcock
Head of Department
Tel:  08-9266 2717
Fax:  08-9266 2711
E.mail: daveh@arch.curtin.edu.au

Re-Accreditation: 2000
TASMANIA

E-1-14
University of Tasmania
School of Architecture
Post Office Box 1214
LAUNCESTON TAS 70250

Course:
Master of Town Planning (2 yr)

Contact: Mr Ian Clayton
Co-ordinator
Tel: 03-6324 35860
E.mail: l.Clayton@utas.edu.au

for current enrolments. Subject to Visiting Professional assistance from RAPI (Tas).

NORTHERN TERRITORY

E-1-1
Northern Territory University
(Darwin Campus)
School of the Built Environment
Faculty of Technology
Northern Territory University

Course:
Graduate Diploma in Regional & Urban Planning

Contact: Kim Steinle
Tel: 08-8946 6510
Fax: 08-8946 6210
E.mail: kim.steinle@ntu.edu.au
WWW: ntu.edu.au/faculties/technology/schbe/personal.html

The Continuing Professional Development Program represents a new phase in the maturation of the Institute. This maturity is visible not only in the acceptance that we should establish such a program, but also in the consultative process that was used by the National Council to develop the program.

National Council have agreed to issue certificates to Members who have successfully completed their CPD requirements.

NATIONAL COUNCIL STATEMENT

The National Council of the Royal Australian Planning Institute recognises that:

- Members have achieved the high standard of education and experience required for Corporate Membership of the Institute;
- Members accept personal and public responsibility for maintaining professional competence as identified in the Institute’s Code of Professional Conduct;
- the planning profession embraces a broad range of knowledge, skills and values and that Members should have discretion in how they can best meet their Continuing Professional Development needs;
- a high level of commitment by Members to Continuing Professional Development contributes to a high level of professional competence for Members of the Institute; and,
- the foregoing contributes to public confidence in the competence of the Members of the Institute, the quality of their professional services and the high regard for the Institute and its Members in the private and public sectors, as well as community;
- the Divisions will develop their own Continuing Professional Development programs within the National Guidelines, and some topics such as those with international speakers may be organised nationally by RAPI.
- the Members are requested to individually monitor and record their Continuing Professional Development activities and will, for sample audit of the Members each year, provide this information to the National Secretariat on request.

IDENTIFICATION AND ASSESSMENT

Identification of Continuing Professional Development

The various Continuing Professional Development activities may be categorised as employment, education and training, professional development and personal development:

Employment Development
  full time equivalent work in planning or a related field, developing new applications, techniques or technology;
Education and Training Development
formal short courses and part-time, external courses to increase planning knowledge, skills and values;

Professional Development
activities contributing to enhancement of the profession such administrative service, presentations and literary contributions and workshops on professional practice;

Personal Development
activities in a non-planning field contributing to the personal development of the Member such as, administration and management, conflict resolution and cultural awareness skills

Please note: the Member is to judge if the professional development is a planning, planning related, or a non-planning activity.

SELF ASSESSMENT

Frequent Planner Points
The Member is to assess the type of Continuing Professional Development activity and the time taken for that activity and annually declare they have complied with the following:

• one CPD Frequent Planner Point should be allocated for one hour of activity;
• twenty five hours of CPD activity per year over two years, with a minimum of 10 hours in any one year;
• a minimum of fifty percent of the CPD activity is to be profession related and up to fifty can be from a non-planning field.

Please note: the allocation of one point for one hour of activity is recognised as an indicator which may have to be adjusted for more demanding activities after a review of the first year of operation of CPD.

Exemption from CPD given for overseas and retired members, full time study, ill health, or other personal reasons will be confidently administered upon written application to RAPI.

The Divisions have worked out detailed divisional programs to satisfy local needs for Continuing Professional Development. However, the following subject areas would appear to be a useful focus for improved knowledge, skills and values.

I. Develop Recognised Areas of Planning Expertise

Develop recognised areas of planning theory, planning principles, planning policy, or planning practice; the experience categories required for Corporate Membership applicants can be used.

• prepare plans and administer their provisions
• devise and / or advise on policies
• assess environmental impacts and affects of development actions
• research and evaluation of urban and regional activities
• teaching in planning
• administer the provision of urban services
• the planner as advocate and / or expert
• implement urban or regional development planning proposals

II. Develop Anticipated Areas of Planning Expertise

Anticipate what planners may be required to do for example:
• Identifying alternative scenarios of future problems and opportunities for regions, municipalities, cities and towns.
• Adapting existing opportunities and constraints and stimulating changes including redirection of investment, community participation and environmental appreciation
• Overcome limitations on resources by careful stewardship of sustainable development and conservation in developed and developing countries;
• Identify and interpret a wider range of alternative solutions and improve quantitative and qualitative evaluation techniques to assess those alternatives
• Develop knowledge, skills and values required for structural economic, social and administrative change.

III. Develop Other Areas of Expertise

• Develop personal presentation skills, administration and management skills, negotiation, conflict resolution, meditation Skills;
• Develop other current or potentially useful knowledge, skills; and values in areas such as cultural awareness.

INSTRUCTION AND PARTICIPATION FORMATS

Members may choose to participate in activities such presentation to others, or alternatively to be instructed through attending courses or undertaking self directed learning at home. Advice on how to pursue CPD will be given to remotely located members.

Instruction formats
• attend regular classes as a registered extension student;
• undertaking formal study for new qualifications;
• specially presented one to two hour lectures as refresher courses: Individual classes or series of classes over a few weeks;
• half day or full day seminar and discussion or workshop- week day, evening, or weekend;
• weekdays and weekend in concentrated program;
• organised study tour and professional report;
• home based learning from distance education.
Participation formats

- presentation of papers to the profession, other professions, academic institutions or the community;

- publication of technical or research articles in professional publications; or for the Institute or the divisions;

- publication of a books and manuals on particular topics relevant for the professional development;

- membership of professional committees for planning profession, kindred professions, academic institutions or community organisations (for planning Contribution);

- self guided research and analysis to investigate new areas; of professional interest, but requiring preparation of a paper for example;

- practice for academics; applied research for practitioners;

- secondments and exchanges to enable new employment experiences;

- preparation of submissions on Government Bills, Enquires or Reports on behalf of the Institute or the Divisions.

*Please note: Attendance at a conference is not credited but a paper describing content of the conference for circulation to colleagues or preparation and participation in a workshop at conference is to be credited. Time out for morning, luncheon and afternoon breaks and sundowners is not to be credited.*
1. INTRODUCTION

The Institute has not been satisfied that the existing Code of Professional Conduct effectively serves its intended purpose. This proposed Code is intended to replace the existing Code.

Accordingly this Code has been written for all city and regional planners, whether in academic, public or private employment, as well as the actions of consultant firms. References to "members" are to members of the Institute. References to "the panel" are references to a State panel or sub committee of the Institute, established for the purpose of investigating breaches of the Code on behalf of the Institute. References to "the Council" are references to the National Council of the Institute.

Members of the Royal Australian Planning Institute (RAPI) are bound by this Revised Code of Ethics and Professional Conduct.

2. PREAMBLE

Planners, like lawyers, work within a system of which they are an integral part, a system whose fundamental purpose is to ensure or pursue outcomes which, as nearly as they can, reflect the interests of the community as a whole. A planner's responsibility to the community must take precedence over sectional interests. In a pluralist society with a multiplicity of values this is not always straightforward or simple because planning is not an exact science. To this difficulty is added the fact that different sections of the community, whether residents, consumers, investors, developers or public authorities, have equally legitimate but different, and often conflicting goals to pursue within the system.

Consequently, more than most professions, town planners are subject to strong and conflicting pressures from different sections of the community. In particular, almost all of the work that planners do involves the public interest as well as the sectional interest of their client or employer. Ultimately, the integrity of planning decisions, and of the planning system as a whole, relies upon the integrity of the planners who serve it, in whatever capacity.

The purpose of this Code is therefore to provide guidance and support to planners to ensure that they practice their profession with the highest ethical and professional standards and earn the confidence and respect of the community which they serve.

3. CODE OF PROFESSIONAL CONDUCT

3.1 Professional Standards

1. Members shall strive for the highest standards in all their professional activities.
2. Members shall uphold and promote the elimination of discrimination on the grounds of race, creed, gender, age, location, social status or disability.
3. Members shall seek to ensure that all persons who may be affected by planning decisions have the opportunity to participate in a meaningful way in the decision-making process.
4. Members shall seek to ensure that the processes of planning are conducted as openly as possible and that all relevant information is disclosed to interested persons.

5. Members shall use their best endeavours to ensure the development:
   - is sustainable;
   - provides for the protection of natural and man-made resources;
   - is aimed at securing a pleasant, efficient and safe working, living and recreation environment; and
   - is efficient and economic.

6. Members shall seek to uphold the high standing of the profession and the Institute.

7. Members shall disclose the nature of their role when providing planning advice which is intended to be entered into the public realm.

3.2 Conflicts of Interest

8. Members shall not act in circumstances where there is a potential conflict between their own private interest and the interest of their client or public interest.

9. Members employed by or acting for a planning authority on any matter or in relation to any land shall not:
   - act for any other person or client in relation to that matter or any part of that land;
   - where a conflict of interest could exist, engage in or advise any third party on any planning matters within that area until such time as the member's employment or commission is concluded and the results of the work are made public by the planning authority.

10. Members who are undertaking planning work for a client must not undertake work for another client if either client is likely to be prejudiced.

11. Members shall disclose to their employees or clients any gifts, commissions or discounts received from or offered by any third parties in connection with their work as planners, and shall not accept any such gifts, commissions or discounts where their receipt may, or may be perceived to, influence their advice.

12. Members shall not undertake paid professional work from any authority or organisation of whose governing body, board of directors or the like they are members.

13. Members may only in exceptional circumstances, such as where the member alone possesses the required expertise, act where a potential conflict of interest exists or may arise. Prior to accepting any such engagement the member shall disclose the relevant details to the client or clients concerned, and to the State Divisional Committee, in writing, and shall accept the directions of the State Division Committee, which may include a requirement to publicly disclose the relevant details prior to acting.
3.3 Confidentiality and Disclosure
14. Members shall keep confidential all information provided to them during the course of their work, and shall not disclose or use that information for their own benefit, nor disclose it to any third party unless:

   with the express approval of the legal owner of that information;
   where required to do so by law; or
   **it is necessary to prevent a substantial damage to the public interest.**

3.4 True Professional Opinion
15. Members shall not provide advice which, in similar circumstances, is materially inconsistent with that previously given to the same or another client.

3.5 Professional Competence
16. Members shall take all reasonable steps to maintain their professional competence while working in the planning profession and in doing so shall have regard to the advice and requirements of the Institute.

3.6 Marketing of services
17. Members may advertise their services by advertisement in the print or other media, but the advertisement shall not:

   hold or imply that the member is qualified or offer services which the member cannot provide to the professional standards required by the Institute;
   use exaggerated or flamboyant language;
   contain any misleading or inaccurate statement; or
   **be contrary to any law.**

18. Members shall not claim or accept credit for work for which the member has not been responsible either directly as its author or as a principal directing the author.

3.7 Fair Competition
19. Members shall not induce a breach of contract or solicit work from another member who has been engaged to carry out a commission.

20. Members who are employed by a statutory authority or public body shall not undertake private commissions unless:

   no conflict of interest arises from the carrying out of the commission;
   full disclosure has been made to the employer and the approval of the employer has been obtained; and
   the member (where required) reimburses the employer for any use of the employer's facilities, information or services and any time during normal working hours.

21. Members may undertake an honorary commission and in such cases there is no diminution of the member's professional obligations and responsibilities.

22. Members may not carry out work on a contingency fee (success fee) basis.
4. PROCEDURES AND PENALTIES

4.1 Duties and Responsibilities

23. The duty of investigating any alleged breach of this Code or other alleged unprofessional conduct shall be vested in a Conduct and Discipline Panel of the particular Divisional Committee or where none exists the President, Vice President, one Committee Member and an independent person with legal expertise.

24. It is the responsibility of a member in private practice, whether on his or her own account or as a partner in a partnership or director or employee of a company, to take all reasonable steps to ensure that all planning matters in the practice, partnership or company are conducted in accordance with the Code, whoever undertakes such work in the practice, partnership or company.

25. It is the responsibility of members holding executive responsibility in a public agency or authority to take all reasonable steps to ensure that all planning matters in that agency or authority are conducted in accordance with the Code.

26. It is the duty of a member to report to the Panel any alleged breach of this Code or other alleged unprofessional conduct of which he or she becomes aware and to assist the Panel in its investigations.

4.2 Procedures

27. If a Panel considers that a matter requires investigating in pursuance of its duty, particulars of the alleged breach of this Code shall be sent in writing to the member concerned with a request for his or her response.

28. A Panel shall not proceed with its investigation until the member's response has been received in writing and considered or a period of six weeks has elapsed without reply from the member.

29. The Panel may invite the member concerned, or accept an offer from the member, to discuss the matter with the Panel or with members or officers thereof. It may also invite the complainant or such other persons as it so wishes, to discuss the matter with the Panel, or with members or officers, and any representative that the member may choose.

30. A Panel shall not recommend any disciplinary action to the Council without first notifying the member concerned of the recommendations proposed, with the reason or reasons therefore, and giving the member the opportunity to make written representations to the Panel or to appear before the Panel or a sub-committee thereof, in person or through any representative that he or she may choose.

31. When its investigation is complete, and, subject to Section 30, the Panel shall report to the Council on whether or not a breach of this Code has been established.

32. If a panel reports that there has been no breach of this Code, no further actions will be taken other than the Council:
advising the member and complainant of the panel's findings, and if the member requests, the findings of the Panel being published by the Institute.

33. In the event of a Panel reporting that a breach of this Code or other unprofessional conduct has been proved, the Panel may recommend disciplinary action within the powers of the Council as set out in Sections 34.

34. If the Council is satisfied on a report from the Panel that a breach of this Code has been established, the Council may;
   a) caution the member about their future conduct;
   b) reprimand the member;
   c) suspend the member from membership of the Institute for such period as the Council shall determine; or
   d) terminate the member's membership of the Institute forthwith or from such date as the Council shall specify.

35. The Council may publish details of its findings and any action taken by the Council under paragraph 34 where there has been a breach of this Code.
Complying Development Certificate - this certificate states that the proposed development is complying development and if carried out will comply with all applicable development standards, including the Building Code of Australia if involving the erection of a building.

Compliance Certificate – this certificate states that:

- Building or subdivision work (in whole or in part) has been completed and complies with the plans and specifications, or
- A development consent condition has been complied with; or
- The building (or part of the building) has a particular classification under the Building Code of Australia; or
- A specified aspect of the development complies with prescribed provisions of the Regulations.

Construction Certificate – this certificate states that if work is completed in accordance with the specified plans and specifications it will comply with the Building Code of Australia.

Occupation Certificate – this certificate authorises that the building is fit for occupation and use or the change of use of an existing building.

Subdivision Certificate – this certificate authorises the registration of the plan of subdivision under the Conveyancing Act 1919
ATTACHMENT 6

Competency requirements for accredited certifiers issuing certificates with respect to Building Code of Australia matters for:

Accredited Certifier-Planning and Development (Level 2) and (Level 3)

*Building Management and Development*

Must demonstrate the following levels of competency:

- Understand construction planning and scheduling techniques
- Understand constructability, construction method, project control and site organisation.
- Understand aspects of construction procurement.
- Financial aspects of construction activity
- Exhibit an understanding of the law of contract and describe the facets of property law which influence the development of property
- Understand the impact of a building on its environment

*Communications and Information Management*

Must demonstrate the following levels of competency:

- Apply the principles of written and verbal communication
- Apply the principles of and develop interpersonal skills
- Apply site protocol
- Prepare detailed reports and present the report to a consent authority
- Apply an understanding of forms of conflicts and their resolution
- Understand organisational structure and industrial relations
- Use standard software packages for information management

*Administration and Management*

Must demonstrate the following levels of competency:

- Describe the structure and operation of Local, State and Federal Government and their relationship to the building industry
- Integrate the statutory requirements for development
- Conduct enforcement proceedings in the building and development areas
- Generally manage and oversee the implementation of building and planning legislation

*Statutory Controls and Assessment*

Must demonstrate the following levels of competency:

- Apply the principles of controls applicable to various projects and localities
- Apply the principles of Building Control legislation
- Apply the principles of the various Australian Standards called up by BCA96
- Interpret and apply the BCA requirements
- Interpret and apply the Planning Control Legislation and its related controls
- Identify non compliance with building, planning and environmental legislation
- Prepare reports on building and planning matters of all kinds
- Check documentation for compliance with all relevant legislation
- Present findings and reports to appropriate bodies
• Apply the principles of the Local Government Act 1993
• Apply the principles of the Environmental Planning and Assessment Act 1979
• Apply the principles of the Environmental Planning and Assessment (Regulations) 1994
• Apply the principles of the Swimming Pool Act 1992
• Understand the Occupational Health and Safety Act
• Understand the Development Control process and its purpose

**Engineering and Structural Analysis**

Must demonstrate the following levels of competency:

• Appreciate structural form, elements and connections
• Understand structural comparisons, analysis and stability studies for buildings
• Evaluate whole building designs using a variety of materials

**Geotechnical**

Must demonstrate the following levels of competency:

• Carry out appropriate site investigations
• Evaluate various footing types and their appropriateness for various buildings
• Select and design footings according to the Residential Slabs and Footing Code
• Appreciate advanced footing designs for multi storey structures and basements
• Check soil and footing construction reports
• Understand Australian Standards for Soil Testing

**Building Law and Economics**

Must demonstrate the following levels of competency:

• Recognise the principles of economics operating within the building industry and appreciate the inter relationships between industry and the economic system of the nation
• Appreciate the legal context within which the building process operates
• Evaluate the various forms of contracts used for major building works
• Recognise the implications for the building industry of changes in the law

**Building Science and Services**

Must demonstrate the following levels of competency:

• Evaluate the dynamic thermal performance of buildings in terms of energy usage and human comfort
• Appreciate natural and artificial lighting and ventilation designs
• Evaluate the requirements of buildings in terms of hydraulics, lifts, air conditioning, electrical, fire, security, stormwater and other services
• Evaluate the impact of all services on building design and construction
• Be familiar with alternative energy sources and their applications to building
• Evaluate developments in energy and services for their application to buildings
• Understand the procedures for analysing defects in building construction and materials
• Understand the procedures for analysing deficiencies of building services
• Understand basic land surveying techniques
• Have an appreciation of building and development in hazardous locations
• Understand the behaviour of materials to ensure correct usage and analyse the suitability of new materials
**Fire Safety Assessment**

Must demonstrate the following levels of competency:

- Understand the likely causes of fire and smoke in buildings
- Understand the process of fire testing for materials and building components
- Have an understanding of the types of toxic gases generated by fire
- Determine the fire resistance levels of different building materials
- Determine the requirements for fire fighting in buildings
- Determine the requirements for various fire/smoke detection systems and mechanical, smoke and heat control systems

**Building Systems and Construction**

Must demonstrate the following levels of competency:

- Evaluate the construction requirements and materials for residential, Industrial and Commercial buildings varying from small, simple structures to large and complex building systems, and select the most appropriate techniques for their construction
- Understand the construction requirements of civil projects and select the most appropriate techniques for their construction
- Appreciate construction drawings and prepare construction details of complex building systems
- Understand computer applications to documentation and construction
- Check building and civil drawings

**Professional Practice**

Must demonstrate the following levels of competency:

- Record project based experiences and relate the theoretical principles previously taught to the professional practices observed
- Recognise, analyse and undertake appropriate routine tasks, under supervision, in various construction and building industry linked organisations
- Exhibit self awareness and maturity in terms of capabilities

**Other**

Must demonstrate the following levels of competency:

- Ability to inspect buildings to establish whether or not compliance is achieved
- Ability to assess the health and safety of the building
- Ability to co-ordinate compliance certificates