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# **Accreditation Scheme**

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## **for Individuals Involved in Threatened Species and Biodiversity Survey and Assessment**

**Draft for comment**

Department of **Environment and Conservation** NSW



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## **Foreword**

Conservation of our biodiversity is becoming increasingly important as population growth and our consumption of resources continue to exert major stresses on our natural environment.

How we assess the impact of this growth and development on our environment is critical to protecting it, as are the skills and expertise of the people responsible for making these assessments.

Recognising this, the NSW Government is introducing an Accreditation Scheme for individuals involved in threatened species and biodiversity survey and assessment to assist in the delivery of ecologically sustainable development.

As described on the following pages, the scheme sets out to establish a professional standard for ecological assessment that will provide greater certainty for planning authorities. It will improve the quality of unbiased and objective information for use in biodiversity certification, Assessments of Significance and Species Impact Statements.

Significantly, the Accreditation Scheme will foster an expanding industry of ecological professionals by providing recognition and professional development goals. Initial accreditation will be based on knowledge and experience, with ongoing accreditation based on performance.

I look forward to seeing the benefits of a fully fledged Accreditation Scheme in the near future and hope that you will join me in supporting it.

***Lisa Corbyn***  
*Director General*

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## Executive summary

Environmental legislation in NSW requires an assessment of the impacts of proposed developments or activities on threatened species and biodiversity. As a result, an industry has developed around the assessment and mitigation of the effects of proposed developments and activities on threatened species.

Those working in the industry perform a crucial role in the planning process by providing invaluable input into the decisions made by government agencies, which contribute to the delivery of ecologically sustainable development.

The industry is currently unregulated. Hence highly experienced and knowledgeable practitioners are not getting the industry recognition to which they are entitled. Conversely, there are cases where inexperienced individuals are conducting survey and assessment work that may be inadequate – to the detriment of threatened species conservation. It is therefore important to ensure that ecological professionals currently working in the industry operate at a high standard and that new entrants gain adequate experience and become proficient in the full range of skills necessary to make the judgements required of them.

DEC is implementing an accreditation scheme for individuals who prepare threatened species surveys and assessments. The scheme aims to establish a high standard of ecological survey and assessment to ensure that impacts on threatened species are properly assessed and to strengthen threatened species conservation in NSW.

The Accreditation Scheme establishes this high standard by defining three accreditation categories to reflect the industry. Each category has a specific set of accreditation criteria that define the competencies required to undertake the work. The competencies comprise a mixture of qualifications, skills, knowledge and experience. Anyone accredited under the scheme must demonstrate competence against the accreditation criteria and abide by the scheme's Code of Conduct, which outlines ethical and professional standards.

The Accreditation Scheme is specifically for individuals who prepare surveys and assessments for use in connection with Species Impact Statements, Section 5A Assessments of Significance and biodiversity certification of environmental planning instruments. Those who are likely to be accredited under the scheme are the ecological professionals conducting this type of work. Individuals can be accredited in more than one category.

Accreditation under the scheme is not compulsory, but it is anticipated that clients will prefer the certainty offered by Accredited Individuals (AIs), and that AIs will be preferentially sourced for government contracts. The Accreditation Scheme is designed to allow accreditation status to be revoked or suspended using a points system. Removal of points will be in accordance with guidelines, which will ensure a transparent and consistent approach. AIs will have the right to appeal decisions involving loss of points.

An Accreditation Panel (AP) consisting of representatives from government agencies, independent technical experts and local government will oversee the scheme and make all decisions regarding applications, loss of points and removal of accreditation.

To allow for transparency and robustness, the Accreditation Scheme includes a process where complaints can be made by third parties to the AP regarding the work or professional conduct of an AI. The AI will be advised that a complaint has been made against them and will have the right to reply to the complaint and appeal against decisions made regarding the complaint.

There are costs associated with accreditation that include an upfront application fee and accreditation fees, which can be paid on an annual or tri-annual basis. All fees are set within a specified fee schedule.

The Accreditation Scheme has been developed to meet the requirements of the NSW *Threatened Species Conservation Act 1995* and the NSW *Fisheries Management Act 1994*, which allow the

Directors General of the Department of Environment and Conservation (DEC) and Department of Primary Industries (Fisheries), respectively, to accredit individuals to prepare ecological assessments. Discussions are being held between DEC and DPI (Fisheries) to implement a scheme which covers the requirements of both Acts.

The purpose of this document is to present DEC's Accreditation Scheme which has been developed in consultation with industry representatives and to invite submissions on what is proposed by DEC. We look forward to receiving your comments in relation to this important step in promoting threatened species conservation.

## **Making a submission on the proposed scheme**

### **Closing date for comments: Friday 9 June 2006**

The DEC Director General will consider all written submissions received during the period of public exhibition. Submissions should be received no later than the advertised date, addressed to:

Director General, DEC  
c/- Accreditation Scheme Coordinator  
Biodiversity Conservation Unit  
PO Box A290  
Sydney South NSW 1232

### ***Additional information***

DEC would also appreciate if submissions could provide feedback about the proposed scheme by answering the following questions:

1. Are you interested in becoming accredited under the scheme (on a scale of one to five, where 1 = no interest and 5 = very interested)?
2. If so, when would you be likely to apply (e.g. within the first 12 months, within the first two years, etc.)?
3. Are you interested in becoming a member of the Accreditation Panel?

### ***A note on privacy***

Please note that for the purposes of the NSW *Privacy and Personal Information Protection Act 1998* any comments on this draft, including personal details, will be a matter of public record that will be stored in DEC's records system. Copies of all submissions, unless marked 'confidential' will be available by arrangement for inspection at the DEC office responsible for the preparation of the draft.

**Anyone wanting their personal details to remain confidential should indicate this prominently in their submission.**

For more information on the NSW *Privacy and Personal Information Protection Act 1998*, go to DEC's website at [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au).

## 1. Introduction

This document supersedes the previous discussion paper dated November 2004.

### 1.1 Rationale for the Accreditation Scheme

Loss of biodiversity and the trends to extinction of species are some of the greatest environmental problems facing NSW. The state's planning system requires consent authorities to consider the potential impacts of developments and activities on the threatened species, critically endangered and endangered communities, and endangered populations<sup>1</sup> listed in the Schedules to the *Threatened Species Conservation Act 1995* (TSC Act) and the *Fisheries Management Act 1994* (FM Act). Threatened species and biodiversity survey and impact assessment ('ecological assessment') assists in the delivery of ecologically sustainable development, with an underlying premise that 'significant effects' to threatened biota should be avoided, or at least minimised, wherever possible.

To be performed adequately, ecological assessment requires a range of professional competencies. Currently, there is no formal requirement for any level of training or knowledge to undertake ecological assessment, raising concerns that this undermines the profession as a whole and devalues the crucial role played by professionals in this growing field. To increase the accuracy and reliability of the assessment process and address concerns about pressure within the existing system to under-report the potential impacts of developments, the NSW Government is implementing an Accreditation Scheme for individuals involved in ecological assessment.

Accreditation or certification schemes operate in many professions with the aim of setting a standard for professional practice. In Australia, schemes have been developed for accountants, planners, project managers, contaminated site auditors, engineers and others. Internationally, there are examples of schemes for environmental professionals, including those in Canada, the USA and the United Kingdom. The Environmental Institute of Australia and New Zealand (EIANZ) and the Ecological Consultants Association of NSW (ECA) have both been involved in discussions on accreditation and certification schemes for environmental professionals over the past few years, with the EIANZ recently launching a Certified Environmental Practitioner (CEnvP) program. The NSW Department of Environment and Conservation (DEC) currently operates at least two other accreditation schemes – for radiation experts under the *Radiation Control Act 1990* and the NSW Contaminated Site Auditor Scheme.

The Accreditation Scheme presented in this document has adopted many of the features of similar schemes in Australia and overseas, but is tailored to the particular requirements of environmental assessment and the planning system in NSW. It is a unique scheme that has been designed to be flexible in response to changes to the industry and the planning system.

As with other schemes, the Accreditation Scheme combines levels of competence with an ongoing assessment of work performed against defined accreditation criteria. It also requires ongoing professional development for Accredited Individuals (AIs) and adherence to a Code of Conduct. It is a transparent scheme that meets the requirements of environmental professionals, their clients and third parties interested in ensuring that environmental impacts are properly assessed.

The Accreditation Scheme will be administered by DEC, which has responsibility for the implementation of the TSC Act. DEC has many legislative responsibilities relating to threatened species issues that integrate with the Accreditation Scheme, particularly a role in concurrence under the *Environmental Planning and Assessment Act 1979* (EP&A Act) and licensing under the *National Parks and Wildlife Act 1974* (NP&W Act).

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<sup>1</sup> Throughout this document, a reference to 'threatened species' is taken to refer to the scheduled threatened species, critically endangered and endangered communities, and endangered populations, unless stated otherwise.

The Department of Primary Industries (DPI (Fisheries), formerly NSW Fisheries) has responsibility for implementing the FM Act, which provides for the conservation of threatened aquatic biodiversity. Like the TSC Act, it has been amended to include a provision to accredit individuals involved in ecological assessment. DEC and DPI (Fisheries) are discussing development of a scheme that covers both Acts. The Accreditation Scheme presented in this document is designed to provide accreditation for individuals involved in both aquatic and terrestrial ecological assessment.

## 1.2 Supporting legislation

The Accreditation Scheme has been developed in response to the legislative responsibilities of DEC under the TSC Act (see Appendix I). Under that Act, the Director General of DEC may accredit individuals to prepare Species Impact Statements (SISs), assessments under Section 5A of the EP&A Act (more commonly referred to as ‘Assessments of Significance’) and biodiversity certification of environmental planning instruments (EPIs).

The Accreditation Scheme has also been developed to incorporate the legislative responsibilities of DPI (Fisheries) under the FM Act (sections 221N and 221ZS), which allows for the Director General of DPI to accredit individuals preparing SISs, Assessments of Significance and biodiversity certification of EPIs for threatened species listed on the Schedules to the FM Act.

## 1.3 Scope of the Accreditation Scheme

The Accreditation Scheme is designed to provide accreditation for suitably qualified and experienced individuals who prepare surveys and assessments for use in connection with the preparation of biodiversity certification of EPIs, assessments of significance and SISs.

The Accreditation Scheme will accredit individuals only and not companies. The target audience for the scheme is ecological professionals who prepare ecological assessments, although it is not limited to this group. The Accreditation Scheme will accredit anyone who can satisfy the accreditation criteria, which are discussed in Chapter 2 and Appendix II.

Where accreditation is awarded, this can be taken to mean that the individual has been able to demonstrate to DEC that they are competent to conduct surveys and/or assessments in the category in which accreditation has been awarded.

## 1.4 Purpose of the document

This document presents the Accreditation Scheme to stakeholders and seeks their final comments. DEC welcomes feedback on all aspects of the scheme. Submissions relating to the Accreditation Scheme should be emailed or sent to the address given in the preliminary section of this draft. All submissions will be treated in accordance with the *NSW Privacy and Personal Information Protection Act 1998*.

## 1.5 Consultation process to date

In November 2004, DEC released a discussion paper on a proposed accreditation scheme to the ECA conference in Sydney. Following the conference, DEC exhibited the discussion paper on its website and invited a wide range of stakeholders (including industry bodies, government agencies, non-government organisations and other interest groups) to comment on it. The discussion paper was also advertised in the Environmental Defenders Office newsletter and the *Land and Water News* newsletter. Submissions were accepted until late February 2005.

A total of 47 submissions were received, including those from ecological professionals or their representative organisations, local councils, state government agencies, authorities and officers, non-government organisations and a professional academic.



A summary of issues raised in the submissions was prepared and DEC, in consultation with an external working group, considered these issues. The working group comprised representatives from the ECA, EIANZ, DEC, Department of Infrastructure, Planning and Natural Resources (now Department of Planning), DPI (Fisheries), Local Government and Shires Association (LGSA) and an independent ecological consultant.

Many of the issues raised during that process have been addressed by the details presented in this document including:

- the provision of additional detail on accreditation criteria
- additional information and details about the operation of the points system
- more information about complaints handling
- additional detail on the appeals process
- clarification that the Accreditation Scheme will only accredit individuals and not companies
- the removal of the requirement for Professional Indemnity insurance from the accreditation criteria
- the specification of three accreditation categories that more closely reflect the industry (and, in particular, the need to provide specific categories for individuals involved only in survey work or only impact assessment work).

The Accreditation Scheme presented in this document has been prepared in response to the submissions received and in response to the deliberations of the working group.

## 1.6 The next steps

The Accreditation Scheme will be finalised following consideration of submissions received in response to this document. DEC will appoint Accreditation Panel (AP) members and then officially launch the scheme after testing its operational aspects to ensure they are operating efficiently. Anyone who would like to be involved in testing should indicate this in their submission about the scheme.

The launch of the Accreditation Scheme will be advertised widely and DEC will seek opportunities to discuss it with professionals involved in the industry. Additionally, DEC will advertise the scheme to the building and development industry to enhance its exposure to the clients of ecological professionals.

## 2. Accreditation Scheme

### 2.1 Objectives of the Accreditation Scheme

The objectives of the Accreditation Scheme are:

- to establish a high standard of practising ecological assessment in NSW
- to ensure the impacts of actions affecting threatened species, critically endangered and endangered communities, and endangered populations or their habitats are properly assessed
- to provide greater certainty for planning authorities and the community about the impact of actions on threatened species, critically endangered and endangered communities, and endangered populations
- to assist in the delivery of ecologically sustainable development based on accurate and unbiased information
- to facilitate professional recognition for those involved in ecological assessment
- to promote the development of a viable ecological survey and assessment industry.

### 2.2 Benefits of the scheme

The intended benefits of the Accreditation Scheme are:

- to provide industry recognition for ecological professionals involved in ecological assessment
- to provide planning authorities and clients with more confidence in ecological assessments prepared by Accredited Individuals
- to strengthen the overall standard of ecological assessment to the benefit of threatened species conservation in NSW.

### 2.3 General structure of the scheme

Accreditation is a two-stage process that involves an initial application followed by satisfaction of ongoing accreditation criteria. To gain initial accreditation, an applicant must meet the accreditation criteria in the category(ies) for which accreditation is being sought (Sections 2.4 and 2.6 and Appendix II). To remain accredited, the AI must comply with the ongoing accreditation criteria (Section 2.7 and Appendix IV). If an AI is found to be not complying with the accreditation criteria, ongoing accreditation criteria and the Code of Conduct (Appendix III), they may lose points and potentially accreditation status (Section 3.4 and Appendix V).

The accreditation criteria and the ongoing accreditation criteria are different but complement each other. They reflect the standards that DEC sets as a minimum for individuals undertaking ecological assessment.

An individual can be accredited in one, two or all three categories. It is up to the applicant to decide which category(ies) to apply for, depending on the type of work they undertake. The onus is on the applicant to demonstrate competence in their nominated categories. The initial accreditation period is proposed to be one year, with subsequent renewals for up to three years.

Accreditation under this scheme is not compulsory, but it is anticipated that clients will prefer the certainty offered by AIs, and that AIs will be preferentially sourced for government contracts.

The Accreditation Scheme comprises several components, which are discussed further below as indicated:

- categories and associated accreditation criteria (Section 2.4 and Appendix II)
- Code of Conduct (Appendix III)
- ongoing accreditation criteria (Section 2.7 and Appendix IV)
- a points system that facilitates revocation or suspension of accreditation (Section 3.4 and Appendix V)
- compliance assessment (Section 3.3)
- complaints mechanism (Section 3.6)
- appeals process (Section 3.5).

## 2.4 Scheme categories

There are three categories of accreditation, with each having a number of related sub-categories:

- Category 1 – Ecological survey
- Category 2 – Ecological impact assessment
- Category 3 – Ecological specialist.

See Table 1 for details of the categories and associated sub-categories.

It is intended that the Accreditation Scheme will provide accreditation in all survey and assessment disciplines that are needed to satisfy the requirements of NSW threatened species assessment legislation.

### 2.4.1 Category 1 – Ecological survey

Category 1 – Ecological survey is for individuals who conduct surveys in one of three disciplines relevant to the preparation of ecological assessments: botany, zoology or aquatic ecology.

For Category 1 accreditation, the individual must demonstrate their competence against the accreditation criteria defined in Appendix II across at least one terrestrial or aquatic ecosystem. The four broad *terrestrial* ecosystems used for the Accreditation Scheme are based on the botanical divisions adopted by the Botanic Gardens Trust for plant distributions and are listed in Section 2.4.1.1 and shown in Figure 1. A further three *aquatic* ecosystems for the Accreditation Scheme are defined in this document and described in Section 2.4.1.2.

To be accredited in this category, an individual must demonstrate an ability to conduct surveys for all threatened species, critically endangered and endangered communities, and endangered populations listed in the schedules to the TSC Act for the ecosystem(s) nominated by the applicant.

See Appendix II for the accreditation criteria relating to this category and Appendix VI for an industry example of a person who might apply for accreditation in this category.

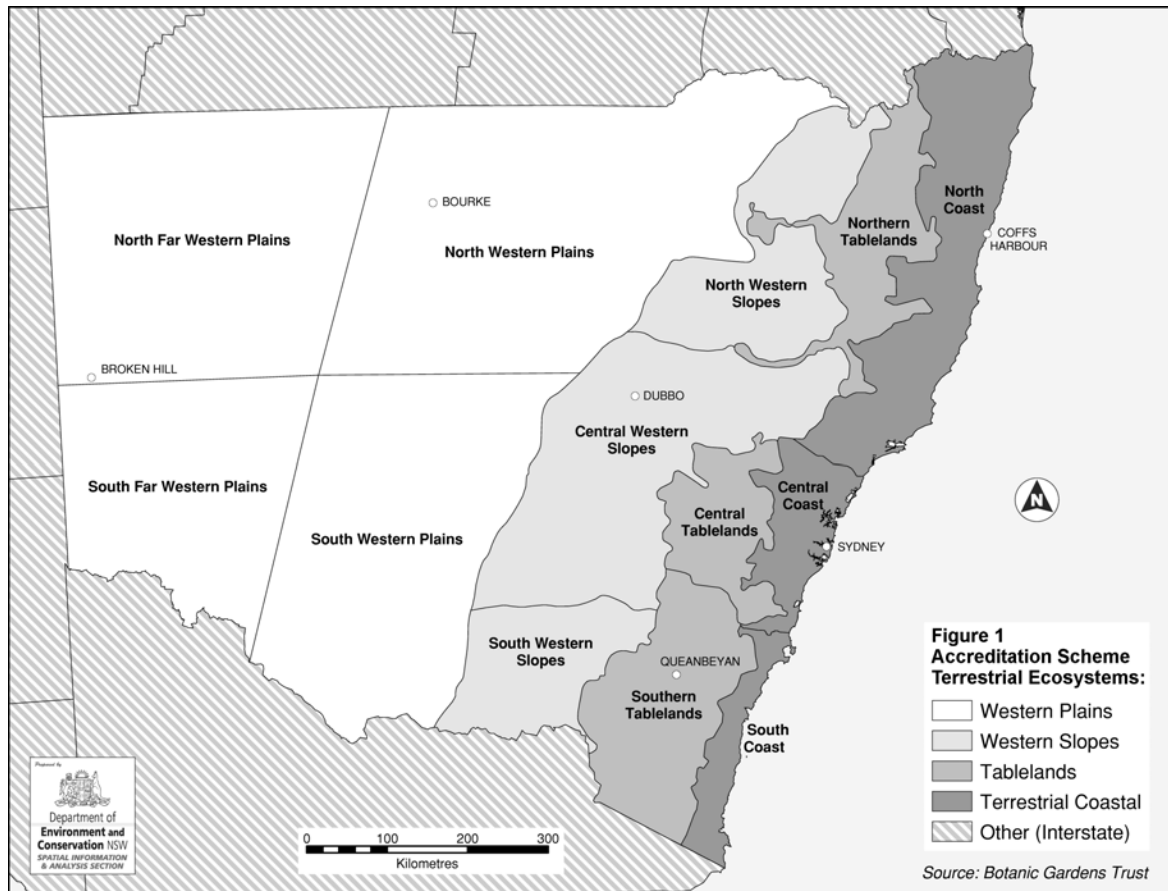
#### 2.4.1.1 Terrestrial ecosystem definitions

The broad terrestrial ecosystems used for the Accreditation Scheme illustrated in Figure 1 are:

- Terrestrial Coastal
- Tablelands
- Western Slopes
- Western Plains.

**Table 1: Accreditation Scheme categories**

<b>Main category title</b>	<b>Sub-categories</b>	<b>Ecosystem</b>
Category 1 – Ecological survey (see 2.4.1)	1a – Terrestrial Vegetation and Flora Survey including all threatened flora species, critically endangered and endangered communities, and endangered populations listed in the Schedules to the TSC Act relevant to the nominated ecosystem(s)	Terrestrial Coastal Tablelands Western Slopes Western Plains
	1b – Terrestrial Fauna Survey including all threatened fauna species, critically endangered and endangered communities, and endangered populations listed in the Schedules to the TSC Act relevant to the nominated ecosystem(s)	
	1c – Aquatic Survey including all threatened aquatic species, critically endangered and endangered communities, and endangered populations listed in the Schedules of the TSC Act relevant to the nominated ecosystem(s)	Freshwater Estuarine Aquatic Coastal, further divided into: Rocky intertidal (Ri) Rocky subtidal (Rs) Sedimentary (Sd) Pelagic (Pg)
Category 2 – Ecological impact assessment (see 2.4.2)	2a – Section 5A Assessments of Significance of all threatened species, critically endangered and endangered communities, and endangered populations listed in the Schedules to the TSC Act	Not applicable
	2b – Species Impact Statements of all threatened species, critically endangered and endangered communities, and endangered populations listed in the Schedules of the TSC Act	
	2c – Biodiversity Certification of Environmental Planning Instruments (no accreditation provided yet)	
Category 3 – Ecological specialist (see 2.4.3)	3a – Survey of a subset of a survey type specified in Category 1 (e.g. frog survey, threatened orchid survey, littoral rainforest survey or dragonfly survey)	As defined by the applicant. It is noted that it will not always be necessary to define an ecosystem for this category depending on the accreditation sought. For example, an ecosystem need not be defined in relation to an individual who is specialist in a particular technique (e.g. bat call analysis).
	3b – Assessment of a particular threatened species, critically endangered or endangered community, or endangered population (e.g. large land snail assessments)	
	3c – Survey and assessment of a particular threatened species, critically endangered or endangered community, or endangered population (e.g. survey and assessment of Cumberland Plain Woodland)	
	3d – Non-field-based Identification Techniques: Experience in the use of a particular technique that is used in the preparation of ecological assessment (e.g. bat call analysis, scat analysis)	
	3e – Other. Experience in some aspect of the preparation of ecological assessment that is not defined anywhere else (e.g. publication of field guide or development of species identification key).	



#### 2.4.1.2 Aquatic ecosystem definitions

The broad aquatic ecosystems for the Accreditation Scheme are:

- Freshwater – defined as non-tidal waters in NSW
- Estuarine – defined as tidal waters in NSW in which the salinity of seawater is measurably reduced by freshwater input
- Aquatic Coastal – defined as extending from open coast (i.e. non-estuarine tidal waters) to the limit of state waters (three nautical miles). This broad aquatic ecosystem is further divided into four:

Rocky intertidal habitat (Ri) – defined as rocky shores along the coast

Rocky subtidal habitat (Rs) – reefs extending from below the low tide mark to the state limit

Sedimentary habitats (Sd) – including beaches below the high tide mark and extending to the state limit

Pelagic (Pg) – the water environment extending from the coastline to the state limit.

The distinction between the freshwater and estuarine aquatic ecosystems leaves a small gap where there might be freshwater that rises and falls with the tide, but is not mixed with seawater. In this case the aquatic ecologists accredited for either freshwater or estuarine can operate under whichever accreditation they have.

### **2.4.2 Category 2 – Ecological impact assessment**

Category 2 accredits individuals to conduct threatened species and biodiversity impact assessment throughout NSW. This category is specifically for those individuals preparing Section 5A Assessments of Significance (Sub-category 2a), Species Impact Statements (Sub-category 2b) or undertaking work involved with biodiversity certification for Environmental Planning Instruments (EPIs) (Sub-category 2c). To obtain accreditation in this category individuals must demonstrate competence against the defined accreditation criteria in Appendix II.

A series of generic accreditation criteria has been developed for the accreditation of those involved in impact assessment. Individuals will need to address the generic criteria (Category 2 – Generic criteria), as well as the criteria listed for the specific sub-category(ies) for which they are seeking accreditation. An individual may apply to be accredited for one or all three sub-categories.

The Accreditation Scheme is not providing any further detail, at this time for Sub-category 2c. DEC will develop a means of providing accreditation for this sub-category as more information becomes available about the processes involved in the provision of biodiversity certification of EPIs.

See Appendix VI for an industry example of a person who might seek accreditation in this category.

### **2.4.3 Category 3 – Ecological specialist**

Category 3 allows individuals with a narrow field of expertise or specialised expertise to become accredited. For example, individuals who can demonstrate that they have particular expertise in a specialist survey type, a particular subject (such as a threatened species, critically endangered or endangered community, or endangered population) or a non-field-based identification technique can apply for accreditation under this category. It is up to the applicant to demonstrate particular competence in the nominated speciality. See Appendix II for the accreditation criteria relating to this category and Appendix VI for an industry example.

There are five general sub-categories where accreditation for Category 3 – Ecological specialist can be sought, as follows:

**Sub-category 3a Survey** – Applicants may be accredited in this sub-category if they do not fall into one of the broad survey types defined for Category 1 (e.g. fauna survey throughout the Terrestrial Coastal ecosystem), but do have survey experience in a subset of those broad survey types (e.g. threatened frog survey, meaning not all fauna, throughout a terrestrial ecosystem or in a particular local government area) and can demonstrate that competence against the defined accreditation criteria in Appendix II.

**Sub-category 3b Assessment** – This is for applicants who specialise in the assessment of a particular threatened species, critically endangered or endangered community, or endangered population (i.e. not all threatened species, etc.).

**Sub-category 3c Survey and assessment** – This is for those with experience in the survey and assessment of a particular threatened species, critically endangered or endangered community, or endangered population (i.e. not all threatened species, etc.).

**Sub-category 3d Non-field-based identification technique** – This sub-category suits applicants with experience in the use of a particular identification technique that is used in the preparation of ecological assessments, such as bat call analysis or scat analysis.

**Sub-category 3e Other** – This is for those with experience in some aspect of the preparation of ecological assessments that is not defined anywhere else (e.g. development of an identification key for cryptic species).

## 2.5 Supporting documentation

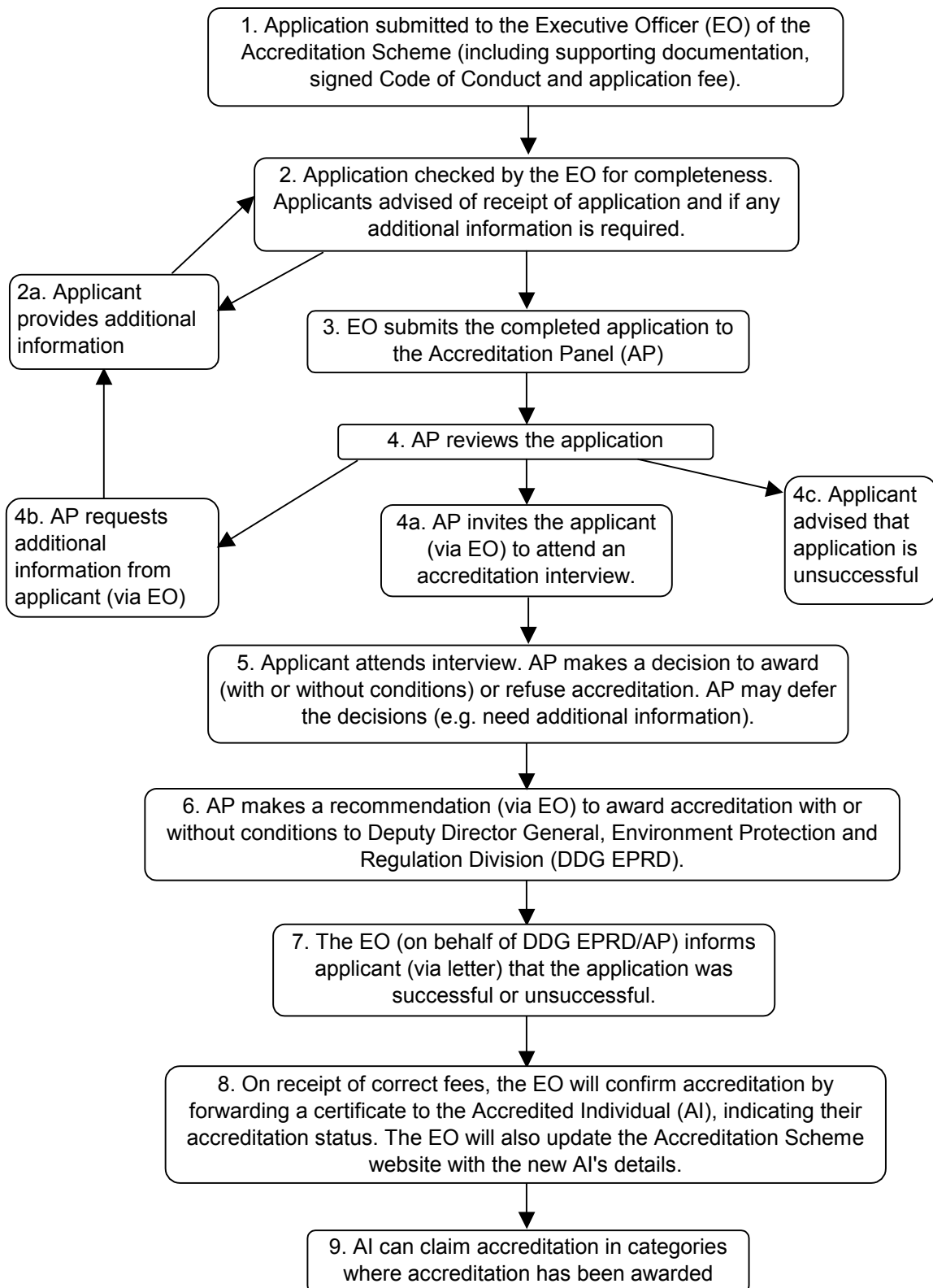
It is the responsibility of the applicant to demonstrate competence in the category for which they are seeking accreditation. The applicant can demonstrate competence by choosing the most relevant and efficient means available to them, provided that it allows the AP to make an informed assessment of the application. An applicant will need to include supporting documentation to accompany the application, which should be forwarded at the same time as the application. However, there is no need to send hard copies of degrees and other relevant qualifications as these can be presented and verified at the application interview. See Appendix II for a guide to suitable supporting documentation.

In addition to supporting information, a Code of Conduct signed by the applicant must be supplied with the application. All AIs must conduct their work in accordance with the Code of Conduct (Appendix III), which outlines the professional standards of an AI and ethical standards of practice.

## 2.6 Initial application to the Accreditation Scheme

The process for applying for initial accreditation is illustrated in Figure 2 and is broken down into the following series of steps:

- Step 1** The applicant nominates the category(ies) for which accreditation is being sought. The applicant completes and submits an application, based on the accreditation criteria outlined in Appendix II. This should include supporting documentation, a signed Code of Conduct and the application fee. The application is sent to the Executive Officer (EO) of the Accreditation Scheme in hard copy, or as a Word file or pdf by email, although a hard copy of the application must also be submitted to the EO for verification purposes. There is no need to include copies of degrees or other qualifications of relevance to the application, as these will be presented and verified by the AP members at the accreditation interview.
- Step 2** On receipt of the application, the EO will check it for completeness. Applicants will be informed of the receipt of the application and if any additional information is required to support the application.
- Step 2a – If additional information is required, the application will be on hold until the additional information is provided.
- Step 3** The EO submits the completed application to the AP.
- Step 4** The AP assesses the application against the accreditation criteria. The AP determines whether the applicant demonstrates competence in the accreditation category sought. The AP will make one of three decisions at this juncture:
- Step 4a – The applicant needs to attend an accreditation interview.
- Step 4b – Additional information is required prior to continuing with the assessment of the application.
- Step 4c – The application is not successful. The AP informs the applicant (via the EO) of the decision.
- Step 5** The applicant is interviewed by AP members. The AP will determine whether the applicant demonstrates competence in their nominated category(ies), based on the application and the interview. The AP makes a decision to either award accreditation (with or without conditions) or refuse accreditation. The AP may also decide to defer the decision to allow for additional information to be provided.
- Step 6** If the decision is made to award accreditation, the AP makes a recommendation to DEC's Deputy Director General, Environment Protection and Regulation Division (DDG EPRD) to award accreditation to the applicant.



**Figure 2: Initial application process**



- Step 7** The EO (on behalf of the DDG EPRD and AP) will inform the applicant via letter that accreditation has been awarded or refused.
- Step 8** If successful, accreditation will be formally awarded when the applicant forwards the correct fees. On receipt of the fees, the EO will forward a certificate to the AI and update the Accreditation Scheme website with the new AI's details.
- Step 9** The AI can claim accreditation in the categories where accreditation has been awarded.

There will be a specific intake date for applications. For the first year of the Accreditation Scheme, it is proposed that there will be four intakes timed to coincide with the AP's meeting schedule. Applications for accreditation will be determined within a maximum of six months from the time an application is deemed complete.

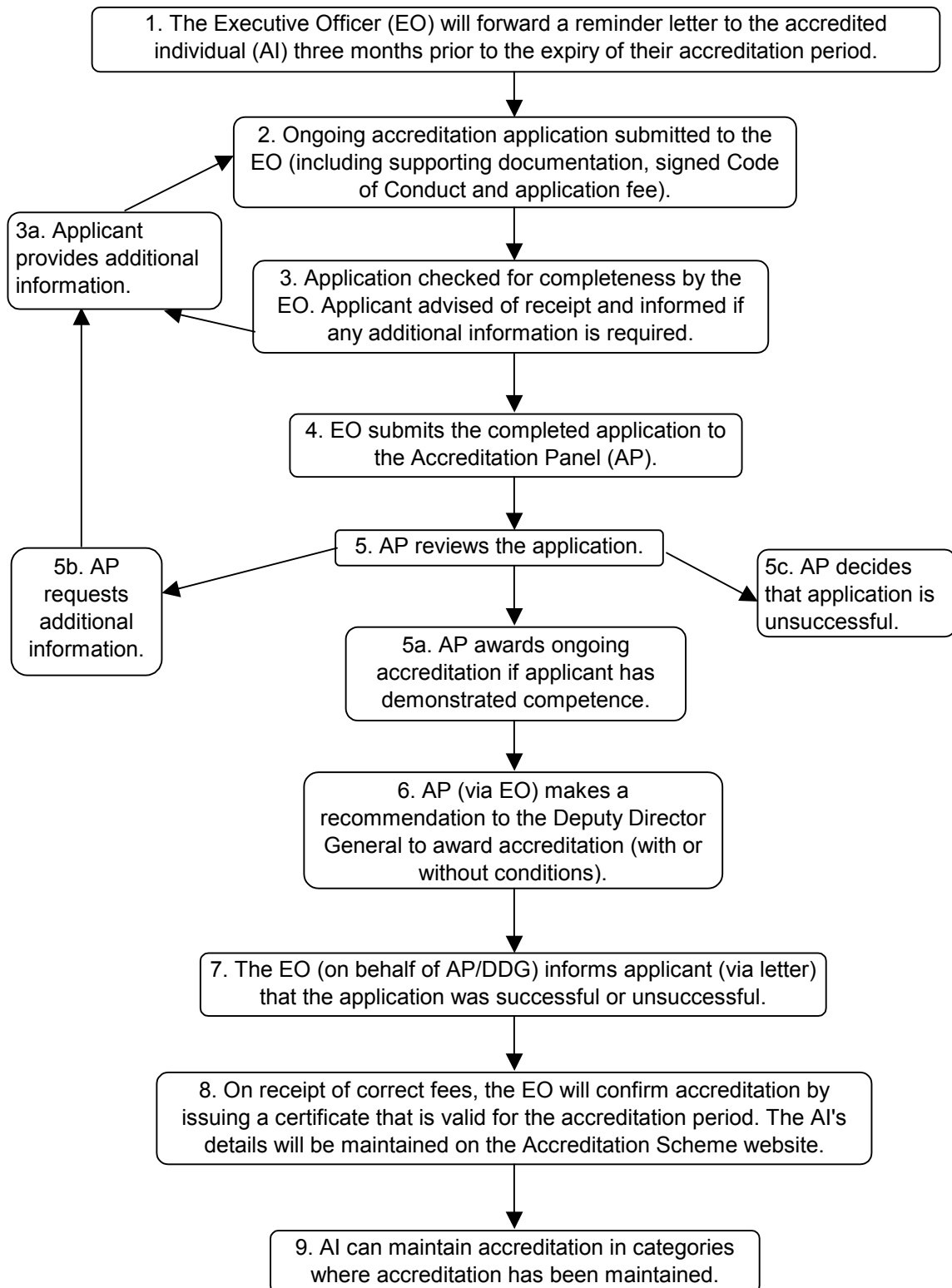
The EIANZ has recently launched a Certified Environmental Practitioner (CEnvP) certification program. There are many procedural similarities between the Accreditation Scheme and the CEnvP scheme, including a requirement for applicants to undergo an interview. In recognition of this similarity, it has been agreed that if an applicant to the Accreditation Scheme has already obtained CEnvP status then the interview requirement for the Accreditation Scheme will be waived. Similarly, the EIANZ will mutually recognise an Accredited Individual and waive the need to undergo an interview for the CEnvP program.

## 2.7 Ongoing accreditation

To apply for ongoing accreditation, an applicant must already be accredited in that category. The ongoing accreditation process is illustrated in Figure 3. Accreditation must be renewed every three years. The ongoing accreditation process is as follows:

- Step 1** Three months prior to the expiry of the accreditation period, the EO of the Accreditation Scheme will forward a reminder notice to the AI requesting them to send to the AP (via the EO) a completed ongoing accreditation application based on the criteria outlined in Appendix IV as soon as possible.
- Step 2** To obtain ongoing accreditation, an AI must demonstrate compliance with the ongoing accreditation criteria (Appendix IV). As for the initial application, the AI needs only to supply the minimal amount of documentation to demonstrate compliance with the ongoing accreditation criteria. A completed ongoing accreditation form must be forwarded to the EO, along with the supporting documentation and a signed Code of Conduct and the ongoing accreditation application fee.
- Step 3** On receipt of the ongoing accreditation application, the EO will assess the application for completeness. Applicants will be informed of the receipt of the application and if any additional information is required to support the application. If additional information is required, the application will be on hold until the additional information is provided.
- Step 3a – If additional information is required, the application will be on hold until the additional information is provided.
- Step 4** The EO submits the completed application to the AP for its review.

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**Figure 3: Ongoing accreditation process**

- Step 5** The AP reviews the application and makes one of three decisions:  
Step 5a – Awards ongoing accreditation for three years  
Step 5b – Refuses accreditation  
Step 5c – Requests additional information.
- Step 6** The AP makes a recommendation to the DDG EPRD to award accreditation (with or without conditions).
- Step 7** The AP/DDG (via the EO) informs the AI that ongoing accreditation has been awarded or refused.
- Step 8** On receipt of the correct fees, the EO will issue a certificate indicating the categories of accreditation. The certificate will be valid for three years from the date of issue. Note that conditions may be attached to the certificate.
- Step 9** The AI can continue to claim accreditation in categories where accreditation has been maintained.

If an AI does not submit their application for ongoing accreditation by the time advised, the accreditation will expire. If accreditation status is sought, the former AI will be required to re-apply to the Accreditation Scheme via the initial application process, which will attract the initial application fee. In special negotiated circumstances, the application date for ongoing assessment may be extended. Decisions regarding ongoing accreditation applications will be made within a maximum of six months after the receipt of a completed application.

## 2.8 Recognition of Accredited Individuals

DEC will supply AIs with a certificate in both hard and electronic format that clearly indicates the categories of accreditation awarded. AIs will be able to reproduce the certificate as required. The information in the certificate will be duplicated on the DEC website.

A list of AIs will be publicly available on an Accreditation Scheme website that DEC will develop, but there will be no information on the number of points an AI holds (see Section 3.4). This will include the names of AIs, specific details about what each AI is accredited for and the currency of their accreditations. Information required for the Accreditation Scheme will be collected and presented in accordance with the *NSW Privacy and Personal Information Protection Act 1998*.

DEC will develop a logo that will become synonymous with accreditation for ecological assessment, which AIs can use in their reports, tenders and correspondence. DEC is also considering the use of a post-nominal abbreviation that will also become synonymous with the Accreditation Scheme.

## 2.9 Revoking accreditation status

The Accreditation Scheme includes a clear process for revoking or suspending accreditation status, which is in accordance with legal principles. The AP will make decisions regarding the revocation or suspension of accreditation status.

Accreditation status will be revoked if it can be demonstrated that an AI has contravened the accreditation criteria, ongoing accreditation criteria or the Code of Conduct to such an extent that the AI loses 10 points. With regard to revoking accreditation status, the AP will make a recommendation to the DG to revoke accreditation status. The recommendation will be based on supporting evidence, such as non-compliance discovered through compliance assessment or complaints substantiated as a result of an investigation. Only the DEC DG has the power to revoke accreditation status.

The AP may refuse to reinstate accreditation status depending on the nature of the circumstances leading to the loss of 10 points. It is noted that the only way for an individual to regain revoked accreditation status is by reapplying to the Accreditation Scheme.

The legislation establishing the Accreditation Scheme (Appendix I) allows for the suspension of accreditation. Once the scheme is established, the AP will determine the procedures on suspension. However, the use of suspension will be generally restricted to extraordinary circumstances.

If accreditation status is lost, an individual cannot reapply for accreditation for 12 months or for a period as determined by the AP in accordance with Accreditation Points System Guidelines that will be developed. The reinstatement of accreditation status may be contingent on the fulfilment of conditions set by the AP.

For further details about revocation of accreditation status, see Section 3.3 (compliance assessment), Section 3.4 (the points system) and Section 3.5 (the appeals process).

## 2.10 Accreditation Scheme conditions

The legislation establishing the Accreditation Scheme allows that accreditation, or renewal of accreditation, may be subject to conditions or restrictions. As the Accreditation Scheme develops, a comprehensive list of conditions will be developed. Examples of possible conditions are:

- prior to accreditation being awarded or renewed, copies of up-to-date licences must be provided to the EO
- prior to accreditation being awarded or renewed, copies of documentation referred to in the application, such as qualifications or referee reports, that were not tabled at the interview must be forwarded to the EO.

## 2.11 Fees

The TSC Act allows for a fee to be set for accreditation, which can be paid annually or every three years. While all fees collected will go into financing the Accreditation Scheme, DEC is significantly subsidising the scheme.

The fees listed below are for an individual applying for accreditation and all fees (application, ongoing application and accreditation) are non-refundable. In the future, fees may be increased. Fees include Goods and Services Tax (GST):

- Application fee – \$200
- Ongoing application fee – \$100
- Accreditation fees – if paying on an annual basis:
  - \$150 per year for one category
  - \$250 per year for two categories
  - \$350 per year for three categories
- Accreditation fees – if paying on a three-yearly basis:
  - \$450 every three years for one category
  - \$700 every three years for two categories
  - \$950 every three years for three categories.

- Discounts:

ECA or EIANZ members<sup>2</sup> – 10% off accreditation fees (not including application fee)

Certified Environmental Practitioner (CEnvP) – 30% off accreditation fees.

Note that if the applicant is applying for more than one accreditation within a single category (e.g. applying for both terrestrial vegetation and flora survey and terrestrial fauna survey in Category 1) the applicant will pay only for the category and not the number of accreditations sought under that category. To obtain multiple accreditations in a single category, the applicant must demonstrate competence for every accreditation sought.

## 2.12 Accreditation Scheme website

The Accreditation Scheme will have its own website, which will be hosted by DEC. Accreditation Scheme information will be presented on the website, including supporting legislation, operational processes (including application, ongoing accreditation, compliance assessment and appeals processes), application forms, accreditation criteria, ongoing accreditation criteria, Code of Conduct, guidelines, fees and lists of AIs and their associated categories of accreditation.

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<sup>2</sup> Other organisations may seek to claim a similar discount, with the decision of granting a discount resting with DEC.

### 3. Operational details of the scheme

#### 3.1 Accreditation Panel

The Accreditation Panel (AP) is responsible for all accreditation decisions required by the Accreditation Scheme. AP membership will be drawn from independent experts with practical knowledge of ecological assessment, government agencies and local councils. The AP will comprise at least seven members.

Prior to the launch of the Accreditation Scheme, DEC will invite nominations from independent technical experts who have a role in the ecological consulting industry. DEC will also invite specific government agencies and the local government community (see Section 3.1.2) to nominate AP members. Following their receipt, DEC will assess the nominations and applications, and identify the most suitable candidates for appointment by the DEC DG. Members will serve two- or four-year terms, as this will allow for corporate knowledge of the Accreditation Scheme to be passed on. Panel members will be reimbursed for their involvement in accordance with the Guidelines for Board and Committee Members: Appointments and Remuneration, published by the Premier's Department in 2004.

DEC has prepared detailed Terms of Reference (TOR) for the AP. The TOR outline the responsibilities of the AP members in relation to the Accreditation Scheme, define the nomination and appointments process and specify the qualifications and experience required for AP members. In addition, the TOR define operational features of the AP, such as decision-making processes, frequency of meetings and definition of a quorum, etc.

##### 3.1.1 Accreditation Panel responsibilities

Specific responsibilities of the AP include, but are not limited to:

- assessing applications for awarding accreditation and ongoing accreditation status and making a decision about whether an applicant has demonstrated competence
- implementation and performance of ongoing compliance assessments
- removal of points
- revocation of accreditation status
- investigation of complaints lodged against AIs and making decisions in relation to them
- development of guidelines to assist in the transparent functioning of the Accreditation Scheme
- conducting an internal review of the Accreditation Scheme after the first 18–24 months of operation.

##### 3.1.2 AP structure

The AP will comprise seven members, each with extensive knowledge and experience in ecological assessment in NSW, as follows:

- three members with practical knowledge of ecological assessment, with one representative each from the disciplines of botany/vegetation studies, zoology and aquatic ecology. Alternates for each will also be appointed to act as a proxy for the main representative in the instance of a conflict of interest or other unavailability
- one local government representative
- one DEC representative, who will chair the AP

- one Department of Planning representative
- one DPI (Fisheries) representative, with expertise in threatened species listed under the FM Act. The DPI (Fisheries) representative will be the alternate Chair of the AP. (Note: The DPI representative may not be required for each meeting, depending on the fields of expertise being discussed.)

In addition to the Accreditation Panel, the DG may invite suitably qualified individuals to be available as technical experts who can be accessed by the DG or the Panel.

## 3.2 Scheme administration

DEC will provide administrative support for the AP and the Accreditation Scheme.

Information collected under the Accreditation Scheme will remain confidential and will only be used for the purposes of the Accreditation Scheme.

## 3.3 Compliance assessment

In accordance with the Accreditation Scheme, every AI is required to continually comply with the accreditation criteria, ongoing accreditation criteria and the Code of Conduct. The AP will conduct random compliance assessments of AIs to ensure that they are complying with the requirements of the scheme. Compliance requires a demonstration that the accreditation criteria, ongoing accreditation criteria and Code of Conduct are adhered to at all times.

The compliance assessment process is as follows (see also Figure 4):

- Step 1** The AP will randomly select an AI for compliance assessment.
- Step 2** The AP will request (via the EO) that the AI forward a list of all reports<sup>3</sup> completed during the previous 12 months, where the AI has claimed to be accredited. There is no requirement to list confidential or incomplete reports, or reports that were completed where accreditation status was not claimed. It will be considered a breach of the Code of Conduct if a complete report list is not provided.
- Step 3** The AI provides a list of reports to the EO, where the AI has acted in their capacity as an AI, within six weeks of the request being made.
- Step 4** The AP will randomly select two reports from the list provided. The AP (via the EO) requests the selected reports from the AI.
- Step 5** The AI will provide the randomly selected reports to the AP for their review, within six weeks of the date of the request. The AI may provide supporting documentation with the selected reports for consideration to provide appropriate context to assess reports in relation to the work that was required (e.g. a project brief).
- Step 6** On receipt of the requested reports from the AI (via the EO), the AP will assess the reports against the accreditation criteria, ongoing accreditation criteria and the Code of Conduct to ascertain whether the individual is conducting work in accordance with the Accreditation Scheme. The AP may seek expert advice regarding this assessment, but must disclose the details of the contacted expert to the AI.

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<sup>3</sup> Reports are defined as any final documentation produced by the AI in the course of preparing surveys and assessments for use in connection with assessments of significance, SISs and biodiversity certification of EPIs.

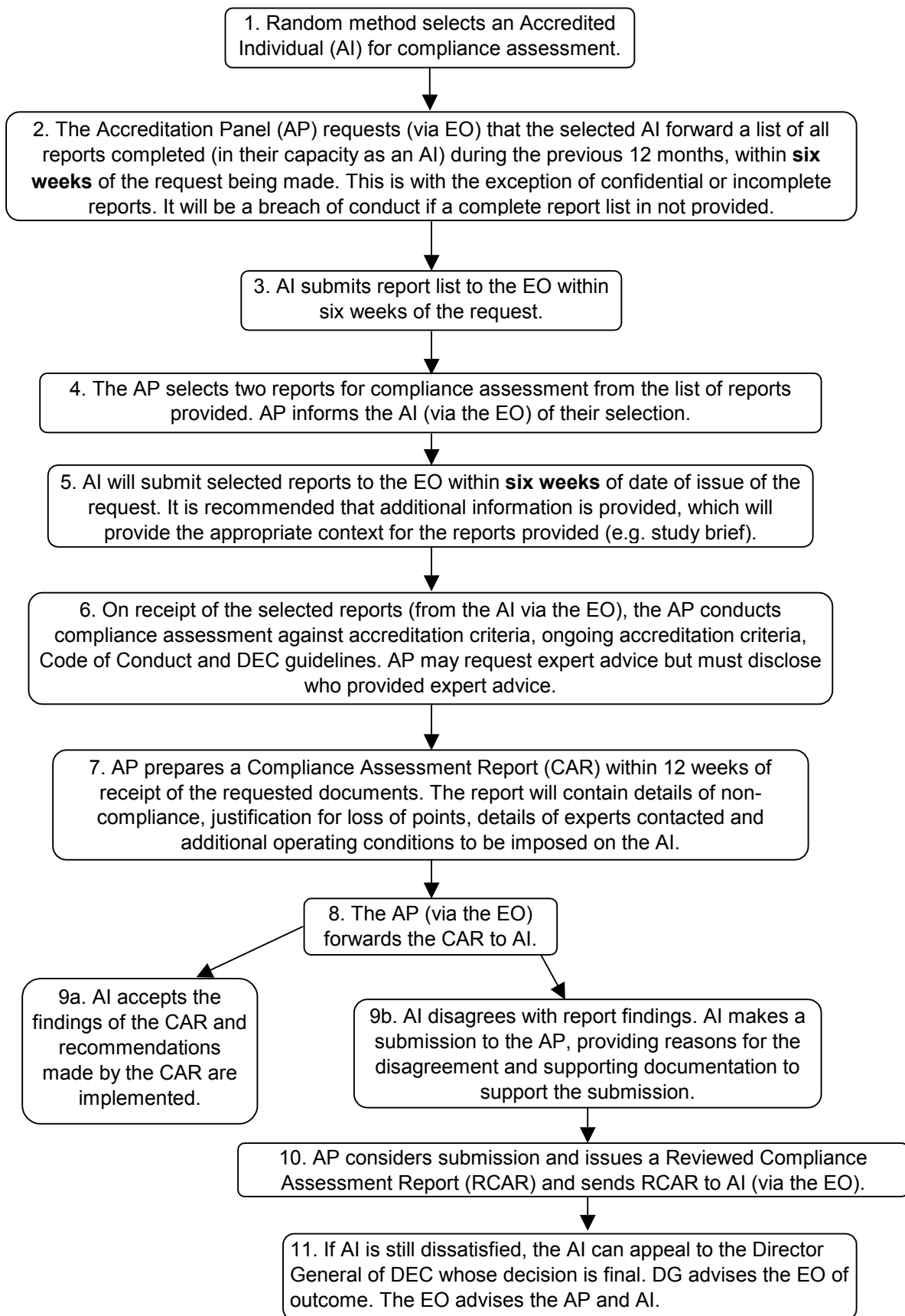


Figure 4: Compliance assessment process



- Step 7** The AP prepares a Compliance Assessment Report (CAR) within 12 weeks of receipt of the requested documentation. This includes details of any non-compliance identified during the assessment process, justification for points loss, details of experts contacted and additional accreditation conditions.
- Step 8** The AP (via the EO) provides the CAR to the AI.
- Step 9a** The AI accepts the findings of the CAR and any recommendations made in the CAR are implemented
- OR
- Step 9b** If the AI disagrees with the CAR findings, the AI can make a submission to the AP, which provides substantiated reasons for the disagreement. The AI must make the submission within 30 days of the issue of the CAR.
- Step 10** The AP considers the submission and issues a Reviewed CAR (RCAR). The AP forwards the RCAR to the AI.
- Step 11** If the AI is still dissatisfied, the AI can appeal the decision to the DG of DEC within 30 days after the receipt of the RCAR (see Section 3.5). The DG's decision is final and is forwarded to the AP and AI (via the EO).

The AP may conduct a compliance assessment of an AI at any time, and as many times as it requires during the accreditation period. It is envisaged that an AI would undergo one compliance assessment during each three-year accreditation period.

Figure 4 outlines the general compliance assessment process for the Accreditation Scheme. The most common way of conducting compliance assessment will be through the review of ecological survey and assessment reports prepared by the AIs. SIS concurrence reports may be used as part of the compliance assessment for SISs, if they are available.

The Accreditation Scheme is based on a points system similar to a driver's licence. The rationale behind the points system is that an AI may lose points if it is found that they have not complied with the initial or ongoing accreditation criteria or the Code of Conduct. A major non-compliance can result in an instant loss of accreditation (see Section 2.9). The details of the points system are further explained in Section 3.4. As mentioned previously, details of the infringement (or non-compliance) and associated points loss will be forwarded to the AI.

The compliance assessment system for the Accreditation Scheme will be formally reviewed after 18–24 months of operation. Information regarding the compliance assessment method for the scheme will be publicly available on the scheme's website.

### 3.4 Points system explained

The Accreditation Scheme includes a mechanism to allow accreditation status to be monitored and managed in a transparent fashion. It was determined that the most effective method of providing for transparency was to introduce a points system. Upon gaining initial accreditation, an AI will be awarded with 10 points. The points will be granted for the period of accreditation. The number of points retained by an AI is confidential between the AI, the AP and the EO of the Accreditation Scheme. Non-compliance with the accreditation criteria, ongoing accreditation criteria or Code of Conduct can result in an AI losing points. Accreditation status is revoked when 10 points are lost. The reasons for loss of points, revocation or suspension will be provided to the AI in writing.

The AP is responsible for all decisions regarding points loss (i.e. if, and how many, points are lost). However, the AP will make point loss decisions based on the 'Points System Guidelines' (Appendix V), which will continue to be developed during the operation of the Accreditation Scheme. The broad principle behind points loss is whether an action caused an inaccurate assessment of impacts on

threatened species or biodiversity, i.e. if it is determined that an inaccurate assessment of impacts was made, points will be removed.

Extremely minor breaches will warrant a warning letter and no loss of points. Repeated and consistent minor breaches of the accreditation criteria, ongoing accreditation criteria or the Code of Conduct may result in a more significant penalty if it appears that no effort has been made to correct the cause of the breach. False claims or unethical conduct will result in instant loss of accreditation.

The loss of points is subject to an appeal mechanism as described in Section 3.5. Where an appeal is made, the AP may review all previous decisions to remove points within the accreditation period. In the event of an AI considering that they have been unfairly penalised by the AP (by failing to renew accreditation or the suspension of accreditation or cancellation of accreditation or deduction of points), they have the right to lodge an appeal against this decision.

Breaches of accreditation criteria, ongoing accreditation criteria and the Code of Conduct may be identified at any time but are most likely to be detected during a compliance assessment of an impact assessment or survey report initiated by the AP, or as the result of an investigation following a complaint by a third party.

Lost points will be reinstated after a period of 12 months, with the exception of when all 10 points are lost within a particular accreditation period (i.e. when accreditation status is revoked). The AP may include conditions on accreditation prior to reinstatement of points (e.g. ensuring that all required licences are current).

### 3.5 Appeals process

The Accreditation Scheme incorporates an internal appeals mechanism, which will address appeals made by AIs in response to decisions by the AP (in relation to points loss following compliance assessment of an AI or about a complaint made against an AI). The AI can appeal a decision by making a submission to the DEC DG and must submit an appeal no later than 30 days after receipt of the RCAR (Section 3.3). The DG will consider the appeal and may, prior to making a decision, seek representations from the AP and/or advice from technical experts. The DG will inform the AI who made the appeal and the AP (via the EO) of the decision. The decision of the DG is final.

### 3.6 Complaints mechanism

The Accreditation Scheme includes a process where complaints regarding the work or conduct of an AI can be made by any third party. The complaints mechanism allows for transparency and robustness within the Accreditation Scheme.

Complaints made by a third party regarding an AI must be:

- submitted (in writing) to the EO (as a representative of the AP)
- accompanied by supporting material or a statement indicating the grounds for the complaint.

Complaints that have no supporting material, or where the grounds for complaint are not adequate, shall be considered as unfounded and/or vexatious. In these instances, the complainant will be informed that the complaint will not be investigated further unless additional information or grounds for the complaint can be provided. The complaints mechanism will have regard to privacy provisions. Investigative procedures will be developed that take into account legal requirements. A complaints investigation will be initiated when the AP determines that the supporting material provided by the complainant supports the complaint.

A Complaints Register will be established and maintained, but will not be publicly available.

The complaints mechanism process is as follows:

- Step 1** The AP (via the EO) receives a complaint regarding an AI from a third party.
- Step 2** The AP establishes whether the complaint is founded or unfounded.
- Step 3** If the AP considers that the complaint is unfounded, the complainant is informed that additional information is required prior to any investigation being instigated.
- Step 4** Once it is established that there appears to be grounds for the complaint, the AP initiates the complaints investigation. The AP informs the AI (against whom the complaint is made) that a complaint has been made against them, and informs the AI of the details of the complaint.
- Step 5** The AI has the initial right of reply to the complaint. The right of reply will be in the form of a written response to the AP regarding the nature of the complaint. The AI must respond to the invitation to provide a right of reply within 30 days of issue of the invitation.
- Step 6** The AP will consider the AI's response and determine whether the response resolves the complaint or if further investigation of the complaint is required. If the AP decides that the AI's reply resolves the complaint, there will be no further investigation and the complainant will be informed of the outcome.
- Step 7** The AP decides to further investigate the complaint and instigate a full complaints investigation. The findings of the investigation carried out by the AP (including justification for any loss of points, if any) will be forwarded to the AI being investigated.
- Step 8** Following the receipt of the Complaints Investigation Report (CIR), the AI will have a second right to respond to the complaint, prior to any final decision being made regarding the complaint (e.g. points being removed). The AI must respond within six weeks of issue of the CIR from the AP, otherwise the AP will consider that the AI has accepted the case outlined in the correspondence.
- Step 9** The AP will consider a response received from the AI under investigation and make a final decision regarding the complaint.

If an AI loses accreditation entirely, the individual must reapply to the Accreditation Scheme to regain accreditation status. An individual who has lost accreditation will not be able to reapply until 12 months after the decision was made. If an individual reapplies and is successful in regaining accreditation, the AP may impose conditions on the accreditation and in particular may require that the individual demonstrates procedures that will ensure that the reason for the original loss of accreditation will not recur.

As part of the complaints investigation, the AP will have the ability to seek technical advice about the complaint. However, only the AP can make the final decision on the complaint (unless the result is appealed by the DG). The AP will also have the ability to interview the AI against whom the complaint was made.

If the AI disagrees with the final decision of the AP, the AI has the right to appeal against the decision to the DEC DG (Section 3.5). The DG will consider the appeal and make a decision. The DG will inform the AI under investigation and the AP of the decision. The decision made by the DG is final.

### 3.7 Internal review of Accreditation Scheme

There must be some method of assessing the success of the Accreditation Scheme in achieving its objectives. The AP will implement an internal review process 18–24 months after the scheme's launch. This period will allow for the majority, if not all, of the scheme processes to have operated.

The internal review process is an opportunity for improving the Accreditation Scheme. If changes are required as a result of the internal review process, all AIs will be notified of such changes. In addition, as part of this review, DEC will provide AIs with an opportunity to comment on the scheme.

### 3.8 Guidelines to be developed

A series of guidelines to support the Accreditation Scheme will be developed prior to its launch or during the first 12 months of its operation. The guidelines will assist the AP and applicants to understand how the scheme operates, for example:

- Granting Initial Accreditation Guidelines
- Granting Ongoing Accreditation Guidelines
- Ongoing Compliance Assessment Guidelines
- Points System Guidelines
- Loss of Accreditation Status Guidelines
- Complaints Managing and Handling Guidelines.

The completed guidelines will be publicly available on the Accreditation Scheme website.

A draft 'Granting Initial Accreditation Guidelines', draft 'Points System Guidelines' and 'Complaints Managing and Handling Guidelines' will be prepared in time for the launch of the Accreditation Scheme. The first draft of the 'Points System Guidelines' is provided in Appendix V.

## Appendix I

### Supporting legislation for the scheme

Section 113 of the *Threatened Species Conservation Act 1995* (TSC Act) provides for the accreditation of individuals to prepare SISs. Section 126O of the TSC Act allows for the accreditation of individuals to prepare biodiversity certification of EPIs and Assessments of Significance. Both of these sections are reproduced below.

Sections 221N and 221ZS of the *Fisheries Management Act 1994* (FM Act) are the same as sections 113 and 126O of the TSC Act, respectively.

#### Section 113 of the TSC Act

*113. Director-General may accredit persons to prepare species impact statements*

*(1) The Director-General is to institute arrangements for the accreditation of suitably qualified and experienced persons to prepare species impact statements for the purposes of this Act.*

*(2) An applicant for accreditation must furnish the Director-General with such information as the Director-General requires to effectively determine the application and must be accompanied by the fee fixed by the Director-General for the consideration of the application.*

*(3) An accreditation is to be for the period specified by the Director-General in the instrument of accreditation, and the accreditation (or any renewal of it) may be given subject to the conditions and restrictions (if any) specified in the instrument of accreditation.*

*(3A) Without limiting subsection (3), an accreditation is to include conditions that require a species impact statement to be prepared in accordance with survey standards approved from time to time by the Director-General by order published in the Gazette.*

*(4) The Director-General may vary conditions or restrictions (if any) attaching to an accreditation and may suspend or cancel an accreditation.*

#### Section 126O of the TSC Act

*126O Director-General may accredit persons to prepare threatened species assessments and surveys*

*(1) The Director-General is to institute arrangements for the accreditation of suitably qualified and experienced persons to undertake and prepare surveys and assessments for use in connection with:*

*(a) biodiversity certification of EPIs under this Division, or*

*(b) any assessment of the matters referred to in section 5A (Significant effect on threatened species, populations or ecological communities, or their habitats) of the Environmental Planning and Assessment Act 1979.*

*(2) An applicant for accreditation must furnish the Director-General with such information as the Director-General requires to effectively determine the application and the application must be accompanied by the fee fixed by the Director-General for the consideration of the application.*

*(3) An accreditation is to be for the period (not exceeding 3 years) specified by the Director-General in the instrument of accreditation, and the accreditation (or any renewal of it) may be given subject to the conditions and restrictions (if any) specified in the instrument of accreditation.*

*(4) Without limiting subsection (3), an accreditation is to include conditions that require surveys and assessments to be undertaken and prepared in accordance with standards approved from time to time by the Director-General by order published in the Gazette.*

*(5) The Director-General may vary conditions or restrictions (if any) attaching to an accreditation and may suspend or cancel an accreditation.*

## **Appendix II**

### **Accreditation criteria for each category**

#### **General notes applicable to all categories and sub-categories**

1. The Accreditation Scheme is designed to allow for interrupted careers. With regard to demonstrating three years experience with a degree, the applicant must show that they have experience in at least three of the preceding five years. With regard to demonstrating five years experience without a degree, the applicant must show that they have experience in at least five of the preceding 10 years.
2. The Accreditation Scheme, as currently designed, will acknowledge those individuals who have years of experience working in the industry, but who do not have a degree or qualification that is relevant to the accreditation being sought. However, after 2011 (five years after the expected launch of the scheme), it will be necessary for all AIs to hold a qualification relevant to their accreditation category.
3. Post-graduate qualifications may equate to years of experience, if the qualification is directly relevant to the accreditation being sought.
4. The Accreditation Panel will take a commonsense approach in considering the relevance of the type of degrees/qualifications provided by an applicant in support of their application.
5. Qualifications are not restricted to those from university and all relevant tertiary qualifications will be considered.

## Category 1 – Ecological survey accreditation criteria

To obtain accreditation in Category 1, the applicant must satisfy the necessary accreditation criteria by supplying, as a minimum, the following. Guidance notes and suggested supporting documentation are provided in the grey boxes:

1. A Code of Conduct signed by the applicant

A copy of the Code of Conduct can be obtained from Appendix III or the Accreditation Scheme website (when established).

2. A statement that identifies the general survey type(s) for which the applicant is seeking accreditation

The general survey types are:

- (a) terrestrial vegetation and flora survey, including all threatened terrestrial flora species, critically endangered and endangered communities, and endangered populations, and/or
- (b) terrestrial fauna survey, including all threatened terrestrial fauna species, critically endangered and endangered communities, and endangered populations, and/or
- (c) aquatic survey, including all threatened aquatic species, critically endangered and endangered communities, and endangered populations.

3. A statement that identifies the ecosystem for which the applicant is seeking accreditation.

The applicant may apply for accreditation in any of the ecosystems or all of them. The ecosystems are different for terrestrial and aquatic survey. Refer to Section 2.4.1 for further definition of aquatic ecosystems.

4(a) A list of any qualification(s) including degree(s) held in natural sciences (or equivalent) and information that demonstrates a minimum of three years experience in the general survey type(s) for which accreditation is being sought

**OR**

4(b) Information that demonstrates the applicant has a minimum of five years experience in the general survey type(s) for which accreditation is being sought (e.g. terrestrial vegetation and flora) if no formal degree/qualification is held.

For example, these might include:

- a list of any relevant qualification(s) including the name of the qualification, the year it was awarded and the institution that awarded it. (Hard copies of relevant qualifications may be required to be tabled at the interview and do not need to be included with the initial application) and/or
- a resume illustrating the applicant's employment history during the previous three or five years (depending on whether the applicant provides details of a relevant qualification), showing the employer's name, period of employment and a list of projects completed by the applicant and relevant to the accreditation being sought.

5. Information that demonstrates that the applicant is competent to undertake each of the survey types where accreditation is being sought (e.g. aquatic survey) in each of the ecosystems for which accreditation is sought with respect to **all** of the specific criteria listed below:

(a) a summary of the survey work completed by the applicant in relation to accreditation being sought

For example, this could be a log of relevant surveys including the types and duration of each survey and an indication of the role of the applicant in each survey. Note that it is only necessary to include enough detail to support the application (i.e. the Accreditation Panel do not require an exhaustive list of every survey in which the applicant has been involved).

(b) ability to competently identify species in the nominated survey type, with a demonstrated ability to identify species either in the field or the laboratory

For example, a species list (or several lists) compiled by the applicant for a survey report, where the applicant has identified the species on the list could be provided. The professional referees will be asked to verify the applicant's species identification abilities.

(c) possess, or have access to, the necessary field survey equipment to properly undertake survey work of the type(s) where accreditation is being sought

For example, this could be a list of the equipment that is required to competently undertake survey work in the survey type for which accreditation is being sought or an indication of where this equipment would be sourced if not owned.

(d) a sound understanding of ecological principles with regard to the survey types(s) where accreditation is being sought

For example, a brief statement outlining the applicant's understanding of the key ecological principles that are of relevance to the nominated accreditation category could be supplied.

(e) possession of any necessary survey licence(s) to conduct the survey work of the type(s) for which accreditation is being sought

For example, this could be a brief list of the relevant survey licences held by the applicant and the expiry dates of any such licences.

(f) a knowledge, understanding, application and the uses of professional judgement in relation to any DEC-endorsed guidelines pertaining to the survey types(s) where accreditation is being sought. Specifically, this relates to the *NSW Threatened Species Survey and Assessment Guidelines for Environmental Impact Assessment of Developments and Activities* prepared by DEC (when finalised) and the *Aquatic Ecology in EIA* guidelines prepared by the Department of Planning.

For example, a statement indicating which DEC guidelines are used or referenced regularly by the applicant in relation to the accreditation category being sought and an example of when professional judgement is required if using these guidelines would be suitable.

6. Information that demonstrates:

(a) well-developed data collection, data analysis and data presentation processes

(b) an ability to communicate outcomes effectively.

For example, this information could be:

- the relevant sections of a survey report or publication prepared by the applicant that demonstrates how they collected and presented data
- the relevant section of a survey report or publication prepared by the applicant that demonstrates how the applicant has presented the findings of the survey.



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7. Names and contact details of two professional referees who can vouch for the applicant's skills, experience and professional conduct.

It will be viewed favourably if at least one of the professional referees is from outside the applicant's place of employment.

## Category 2 – Ecological impact assessment accreditation criteria

The accreditation criteria for Category 2 (and its sub-categories) are split into generic criteria that apply to category as a whole, as well as specific accreditation criteria for each of the sub-categories. Applicants applying for accreditation in ecological impact assessment must address both the generic and specific criteria for their particular sub-category.

Guidance notes and suggested supporting documentation are provided in the grey text boxes:

### *Category 2 – Ecological impact assessment: Generic accreditation criteria*

To obtain accreditation in Category 2, the applicant must satisfy the necessary accreditation criteria by supplying, as a minimum, the following:

1. A Code of Conduct signed by the applicant

A copy of the Code of Conduct can be obtained from Appendix III or the Accreditation Scheme website (when established).

2. A statement that identifies the ecological impact assessment sub-category(ies) for which the applicant is seeking accreditation.

The impact assessment sub-categories are:

- Sub-category 2a – Section 5A Assessments of Significance
- Sub-category 2b – Species Impact Statements
- Sub-category 2c – Biodiversity Certification of Environmental Planning Instruments (It is not possible to apply for this sub-category yet, but as soon as there is enough information regarding what is involved in this category, detailed accreditation criteria will be developed.)

3(a) A list of any qualification(s) including degree(s) held in natural sciences (or equivalent) that are relevant to the nominated category and information that demonstrates a minimum of three years experience in the ecological impact assessment sub-category(ies) for which accreditation is being sought

**OR**

3(b) Information that demonstrates the applicant has a minimum of five years experience in the ecological impact assessment sub-category(ies) for which accreditation is being sought (e.g. Section 5A Assessment of Significance) if no formal degree/qualification is held.

For example, these might include:

- a list of any relevant qualification(s) including the name of the qualification, the year it was awarded and the institution it was awarded by. (Hard copies of relevant qualifications may be required to be tabled at the interview and do not need to be included with the initial application.)  
and/or
- a resume illustrating the applicant's employment history during the previous three or five years (depending on whether the applicant provides details of a relevant qualification) showing the employer's name, period of employment and a list of projects completed by the applicant that is relevant to the accreditation being sought.

4. Information that demonstrates that the applicant is competent to undertake ecological impact assessment in the sub-category where accreditation is being sought (e.g. Species Impact Statement), with respect to **all** of the specific criteria listed below:

- (a) ability to provide a comprehensive site description, including the overall environmental context of the site
- (b) ability to accurately determine the scope and scale of proposed developments or activities
- (c) demonstration of a thorough understanding of the principles of, and methods for, conducting threatened species and biodiversity impact assessments, including survey methods, study design and data synthesis relevant to the nominated accreditation category (including experimental design, data analysis and background information collation)
- (d) a demonstrated competence in understanding, describing and interpreting direct and indirect impacts of proposed developments and activities, including an awareness of the consequences of physico-chemical impacts on flora and fauna relevant to the nominated accreditation category
- (e) a demonstrated comprehensive knowledge and understanding of NSW environmental legislation and the planning system, including knowledge of state and local government policies and guidelines, and environmental planning instruments
- (f) a demonstrated ability to determine or predict the significance of ecological impacts, particularly in regard to threatened species and ability to determine the appropriateness of proposed developments or activities in relation to threatened species and biodiversity, which includes amending proposals to minimise impacts as an integral part of project development
- (g) a demonstrated ability to develop and incorporate practical and effective impact minimisation/mitigation/amelioration measures in relation to proposed developments or activities (including design of environmental management plans)
- (h) a demonstrated ability to deliver ecologically sustainable development and improve ecological outcomes (e.g. improve long-term security of the site, manage threatening processes, access funding etc.).

For all of the above, an annotated ecological impact assessment report (or parts thereof) or a brief statement could be used to illustrate the required competencies in relation to the nominated sub-category(ies).

6. Information that indicates:

- (a) a demonstrated ability to prepare clear and concise reports, including the provision of associated maps and figures
- (b) a demonstrated ability to communicate outcomes effectively and efficiently

For (a) and (b), for example, this could be the relevant sections of an impact assessment report prepared by the applicant that shows the findings and outcomes of an assessment presented clearly.

- (c) demonstrated project management skills in situations where specialists are required

For example, a description of the logical process used to determine when specialist input is required in a project could be provided.

7. Names and contact details of two professional referees who can vouch for the applicant's skills, experience and professional conduct.

It will be viewed favourably if at least one of the professional referees is from outside the applicant's place of employment.

***Sub-category 2a – Section 5a Assessments of Significance: Specific accreditation criteria***

To obtain accreditation in Sub-category 2a, the applicant must also satisfy the following accreditation criteria specific to the sub-category:

1. Information that demonstrates that the applicant is competent to undertake Section 5a Assessments of Significance, with respect to all of the specific criteria below:

(a) ability to interpret the likely impacts on threatened species, critically endangered and endangered communities, and endangered populations identified or likely to be affected by a proposed development, in relation to the habitat/resources identified

(b) ability to interpret and apply section 5A of the *Environmental Planning and Assessment Act 1979*

(c) knowledge, understanding and application of DEC and NSW Department of Planning-endorsed guidelines (*Section 5A Assessment of Significance, Section 94A TSC Act and Section 220ZZA Fisheries Management Act 1994 – Assessment Guidelines*) and the relevance of professional judgement in relation to these guidelines.

For example, provide up to five Section 5a Assessments of Significance from different projects that illustrate different outcomes or different critical issues (including supporting documentation in the form of a fauna and flora assessment report, if desired). The key to showing competence in this sub-category is to show it through the breadth of the applicant's experience. A brief statement that illustrates the required competencies in relation to Sub-category 2a could also be provided.

2. Information that demonstrates:

(a) the process for specialist referral and consultation with experts

(b) arrangements for the supervision of any support team members who may assist the applicant in the preparation of Section 5A Assessments of Significance, but who are not accredited for that purpose.

For example, provide a brief statement describing the logical processes involved in determining whether a specialist is required and if so whether that specialist needs to conduct specialist work or provide specialist advice. Provide a brief statement describing the logical process involved in supervising support team members.

***Sub-category 2b – Species Impact Statements: Specific accreditation criteria***

To obtain accreditation in Sub-category 2b, the applicant must also satisfy the following accreditation criteria specific to the sub-category:

1. Information that demonstrates that the applicant is competent to prepare Species Impact Statements (SISs), with respect to **all** of the specific criteria listed below:

- (a) ability to interpret and adequately meet the requirements of section 110 of the TSC Act
- (b) ability to assess cumulative impacts across the relevant range of threatened species, critically endangered and endangered communities, and endangered populations that are the subject of an SIS
- (c) ability to assess abundance of a species at both the regional and local scale
- (d) ability to assess population level impacts of species that are the subject of an SIS
- (e) ability to accurately assess indirect impacts and off-site impacts
- (f) ability to synthesise ecological information from several different sources.

For all of the above, an annotated SIS (or parts thereof) and/or a brief statement could be used to illustrate the above competencies.

2. Information that demonstrates that the applicant has up-to-date knowledge of developments in the scientific, technical, regulatory and legal fields relevant to SIS preparation.

For example, a brief statement that illustrates the applicant's up-to-date knowledge of issues relating to SISs and their preparation.

3. Information that demonstrates that the applicant has specialist or expert knowledge in a particular fauna or flora group, taxa, ecological community or region which is the subject of the SIS, or has access to that specialist expertise. Further information must demonstrate the process the applicant uses for specialist referral and consultation with experts for areas of expertise where the applicant does not have the ability to provide the level of expert knowledge required.

For example, provide a brief statement that clearly outlines the applicant's scope of specialist or expert knowledge of particular threatened species, critically endangered or endangered community, or endangered population in relation to the preparation of SISs, as well as the process used for specialist referral and consultation with experts.

4. Information that demonstrates:

- (a) arrangements for the supervision of any support team members who may assist the applicant in the preparation of SISs, but who are not accredited for that purpose
- (b) project management skills.

For example, this could be a brief statement indicating how the applicant will ensure supervision of support team members. In relation to project management skills, the applicant could provide an indication of the skills involved in preparing and finalising a specific or generic SIS.

***Sub-category 2c – Biodiversity Certification of Environmental Planning Instruments:  
Specific accreditation criteria***

To be developed (see Section 2.4.2).

## Category 3 – Ecological specialist accreditation criteria

To obtain accreditation in Category 3, the applicant must satisfy the necessary accreditation criteria by supplying, as a minimum, the following:

1. A Code of Conduct signed by the applicant

A copy of the Code of Conduct can be obtained from Appendix III or the Accreditation Scheme website (when established).

2. A statement that specifically identifies the particular speciality for which accreditation is being sought

Category 3 accreditation will be provided for applicants in the following sub-categories:

- Sub-category 3a – survey experience in a subset of one of the survey types specified in Category 1 (e.g. a particular group of species instead of all terrestrial fauna species), or
- Sub-category 3b – impact assessment experience that is restricted to a particular threatened species, critically endangered or endangered community, or endangered population (i.e. not all threatened species, populations or ecological communities), or
- Sub-category 3c – survey and impact assessment experience that is restricted to a particular threatened species, critically endangered or endangered community, or endangered population (e.g. accreditation to conduct surveys and prepare both Section 5a Assessments of Significance and Species Impact Statements for specific threatened orchid species), or
- Sub-category 3d – a particular non-field based survey technique (e.g. bat call analysis or scat analysis), or
- Sub-category 3e – any other expertise not defined in any of the other categories, which is relevant to threatened species survey and assessment.

Applicants are required to be very specific regarding the identification for the speciality, although they should keep in mind that they must be able to demonstrate their competence in the speciality as defined. Specific details may include species names, specific taxa and whether the speciality is in survey, assessment or a technique.

3. An indication of the relevant degree(s)/qualification(s) and/or experience in relation to the accreditation being sought

For example, this might include:

- a list of any relevant qualification(s) in natural sciences held including the name of the qualification, the year it was awarded and the institution that awarded it, and/or
- a resume illustrating the applicant's employment history during the previous three or five years (depending on whether the applicant provides details of a relevant qualification), showing the employer's name, period of employment and a list of projects completed by the applicant and relevant to the accreditation being sought, and/or
- a postgraduate qualification (including but not limited to a MSc in research or a PhD) in the subject where accreditation is sought, and/or
- if a formal degree is not held, demonstration that the applicant has a minimum of five years experience in the speciality where accreditation is being sought, and/or
- a peer-reviewed publication that is relevant to the subject where accreditation is sought, and/or
- evidence that the applicant is a well-known authority in the field where accreditation is sought.

- evidence of a contribution being made by the applicant to the industry or the scientific community in the area where accreditation is sought, and/or

Hard copies of relevant qualifications may be required to be tabled at the interview and do not need to be included with the initial application.

5. Information that demonstrates (where relevant to the nominated speciality):

(a) an ability to communicate outcomes effectively and efficiently (including collection and presentation of data and findings)

For example, provide the relevant sections of a survey and/or impact assessment report prepared by the applicant that demonstrates how the applicant has clearly presented findings of a SIS.

(b) arrangements for supervision of support team members who assist in the preparation of surveys and assessments covered by the Accreditation Scheme

(c) project management skills.

For (b) and (c), for example, this could be a brief statement indicating how the applicant will ensure supervision of support team members. In relation to project management skills, provide a brief statement indicating the skills involved in preparing and finalising either a specific or generic SIS.

6. Names and contact details of two professional referees who can vouch for the applicant's skills, experience and professional conduct. This requirement may be waived in some circumstances (e.g. for well-known authorities in their field).

It will be viewed favourably if at least one of the professional referees is from outside the applicant's place of employment.



### *Sub-categories 3a and 3b – Accreditation criteria*

Applicants for Sub-categories 3a and 3c need to supply information that demonstrates they are competent to undertake specialist surveys and/or impact assessment in their nominated speciality. They need to have a minimum of three years experience in the nominated speciality, in accordance with the competencies defined in Categories 1 and 2 relevant to their nominated speciality (i.e. for survey specialities refer to Category 1 competencies, for impact assessment specialities refer to Category 2 and the relevant sub-categories).

For the **survey** component, applicants need to supply information that demonstrates that they are competent to undertake each of the survey types where accreditation is being sought (e.g. aquatic survey), in each of the ecosystems for which accreditation is sought, with respect to **all** of the specific criteria listed below:

(a) a summary of the survey work completed by the applicant in relation to accreditation being sought indicating the type, duration, how often the work was undertaken by the applicant and the exact role of the applicant in the work

For example, this could be a log of relevant surveys including the types and duration of each survey and an indication of the role of the applicant in each survey. Note that it is only necessary to include enough detail to support the application (i.e. the Accreditation Panel do not require an exhaustive list of every survey in which the applicant has been involved).

(b) ability to competently identify species in the nominated survey type, with a demonstrated ability to identify species either in the field or the laboratory

For example, a species list (or several lists) compiled by the applicant for a survey report, where the applicant has identified the species on the list could be provided. The professional referees will be asked to verify the applicant's species identification abilities.

(c) possess, or have access to, the necessary field survey equipment to properly undertake survey work of the type(s) where accreditation is being sought

For example, this could be a list of the equipment that is required to competently undertake survey work in the survey type for which accreditation is being sought or an indication of where this equipment would be sourced if not owned.

(d) a sound understanding of ecological principles with regard to the survey types(s) where accreditation is being sought

For example, a brief statement outlining the applicant's understanding of the key ecological principles that are of relevance to the nominated accreditation category could be supplied.

(e) possession of any necessary survey licence(s) to conduct the survey work of the type(s) for which accreditation is being sought

For example, this could be a brief list of the relevant survey licences held by the applicant and the expiry dates of any such licences.

(f) a knowledge, understanding, application and the uses of professional judgement in relation to any DEC-endorsed guidelines pertaining to the survey types(s) where accreditation is being sought. Specifically, this relates to the *NSW Threatened Species Survey and Assessment Guidelines for Environmental Impact Assessment of Developments and Activities* prepared by DEC (when finalised) and the *Aquatic Ecology in EIA* guidelines prepared by the Department of Planning.

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For example, a statement indicating which DEC guidelines are used or referenced regularly by the applicant in relation to the accreditation category being sought and an example of when professional judgement is required if using these guidelines would be suitable.

### ***Sub-categories 3b and 3c – Generic accreditation criteria***

Information that demonstrates that the applicant is competent to undertake ecological impact assessment in the sub-category where accreditation is being sought (e.g. Species Impact Statement), with respect to **all** of the specific criteria listed below:

- (a) ability to provide a comprehensive site description, including the overall environmental context of the site
- (b) ability to accurately determine the scope and scale of proposed developments or activities
- (c) demonstration of a thorough understanding of the principles of, and methods for, conducting threatened species and biodiversity impact assessments, including survey methods, study design and data synthesis relevant to the nominated accreditation category (including experimental design, data analysis and background information collation)
- (d) a demonstrated competence in understanding, describing and interpreting direct and indirect impacts of proposed developments and activities, including an awareness of the consequences of physico-chemical impacts on flora and fauna relevant to the nominated accreditation category
- (e) a demonstrated comprehensive knowledge and understanding of NSW environmental legislation and the planning system, including knowledge of state and local government policies and guidelines, and environmental planning instruments
- (f) a demonstrated ability to determine or predict the significance of ecological impacts, particularly in regard to threatened species and ability to determine the appropriateness of proposed developments or activities in relation to threatened species and biodiversity, which includes amending proposals to minimise impacts as an integral part of project development
- (g) a demonstrated ability to develop and incorporate practical and effective impact minimisation/mitigation/amelioration measures in relation to proposed developments or activities (including design of environmental management plans)
- (h) a demonstrated ability to deliver ecologically sustainable development and improve ecological outcomes (e.g. improve long-term security of the site, manage threatening processes, access funding etc.).

For all of the above, an annotated ecological impact assessment report (or parts thereof) or a brief statement could be used to illustrate the required competencies in relation to the nominated sub-category(ies).

### **Sub-categories 3b and 3c – Section 5A Assessment of Significance: Specific accreditation criteria**

Information that demonstrates that the applicant is competent to undertake Section 5a Assessments of Significance, with respect to all of the specific criteria below:

- (a) ability to interpret the likely impacts on threatened species, critically endangered and endangered communities, and endangered populations identified or likely to be affected by a proposed development, in relation to the habitat/resources identified
- (b) ability to interpret and apply section 5A of the *Environmental Planning and Assessment Act 1979*
- (c) knowledge, understanding and application of DEC and NSW Department of Planning-endorsed guidelines (*Section 5A Assessment of Significance, Section 94A TSC Act and Section 220ZZA Fisheries Management Act 1994 – Assessment Guidelines*) and the relevance of professional judgement in relation to these guidelines.

For example, provide up to five Section 5a Assessments of Significance from different projects that demonstrate ability to address critical issues and to devise different outcomes (including supporting documentation in the form of a fauna and flora assessment report, if desired) and/or a brief statement that illustrates the above competencies in relation to Sub-categories 3b or 3c.

**Sub-categories 3b and 3c – Species Impact Statements: Specific accreditation criteria**

Information that demonstrates that the applicant is competent to prepare Species Impact Statements (SISs), with respect to **all** of the specific criteria listed below:

- (a) ability to interpret and adequately meet the requirements of section 110 of the TSC Act
- (b) ability to assess cumulative impacts across the relevant range of threatened species, critically endangered and endangered communities, and endangered populations that are the subject of an SIS
- (c) ability to assess abundance of a species at both the regional and local scale
- (d) ability to assess population level impacts of species that are the subject of an SIS
- (e) ability to accurately assess indirect impacts and off-site impacts
- (f) ability to synthesise ecological information from several different sources.

For all of the above, an annotated SIS (or parts thereof) and/or a brief statement could be used to illustrate the above competencies. Also provide a brief statement that illustrates the applicant's up-to-date knowledge of issues relating to SISs and their preparation.

## Appendix III Code of Conduct

Anyone accredited under the NSW Accreditation Scheme must be committed to the professional operating standards and ethics presented in the Code of Conduct. The Code of Conduct was largely drawn from similar codes prepared by the Planning Institute of Australia, the EIANZ, the ECA, the Institute of Engineers Australia and the Victorian EPA's auditor scheme.

### *Professional standards*

- Must provide independent, consistent and objective advice using sound scientific and ecological sustainability principles.
- Must provide a truthful opinion on any matter submitted to them for advice or opinion, must not give false or misleading information and must not conceal information.
- Must express opinions, make statements or give evidence with fairness and honesty, and on the basis of adequate knowledge.
- Must actively discourage misrepresentation or misuse of work they have performed or which was performed under their direction.
- Must ensure the incorporation of environment protection considerations from the earliest stages of project design or policy development.
- Must not conduct professional activities in a manner involving dishonesty, fraud, deceit, misrepresentation or bias.
- Must, if committing to or tendering for work, have (or have access to) the resources and experience necessary to undertake the work.

### *Ethics*

- Must not advertise or conduct themselves in a manner that will bring disrepute to the Accreditation Scheme.
- Must act with fairness, honesty and in good faith towards all in the community, including clients, employers and colleagues.
- Must carry out professional activities, as far as is possible, in accordance with emerging principles of sustainable development and the highest standards of environment protection.
- Must place the integrity of the natural environment and the health, safety and welfare of the human community above any commitment to private interests.
- Must be personally accountable for the validity of all data collected, analyses performed or plans developed by them and for the scrutiny of all data collected, analyses performed of plans developed under their direction.
- Must not act in circumstances where there is a potential conflict between a private interest and the client's or public's interest.
- Must apply their skill and knowledge in the interest of their employer or client for whom they shall act as a faithful agent or advisor, without compromising the environment or the health, welfare and safety of the community.
- Must not falsely claim accreditation status where accreditation status has not been awarded.
- Must practise in a careful and diligent manner, ensuring that their work satisfies all legal requirements.

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- Must not knowingly make a false statement and take all necessary steps to correct any false statement unknowingly made by them.
- Must continue to develop ecological knowledge, skills and expertise throughout their career and actively assist and encourage those under their direction to do likewise.

Following the establishment of the Accreditation Scheme, the AP will have the power to amend the content of the Code of Conduct in accordance with the needs of the scheme and the industry.

## Appendix IV

### Ongoing accreditation criteria

The ongoing accreditation criteria are as follows:

1. Provision of a current curriculum vitae indicating that the individual seeking ongoing accreditation has continued to be active in the categories for which they have been accredited.
2. An individual seeking ongoing accreditation must demonstrate ongoing professional development (OPD) in the form of a minimum of 70 hours over three years. The OPD may include attendance at seminars, conferences and short courses; writing submissions to government regarding policy development; private study; involvement in professional associations; or publication of articles in peer-reviewed journals. A record of attendance must be demonstrated by presentation of OPD in a log book or similar format.
3. An individual seeking ongoing accreditation must provide a brief statement confirming that they will continue to work in accordance with threatened species and biodiversity survey and assessment guidelines endorsed by DEC.
4. An individual seeking ongoing accreditation must provide a brief statement demonstrating that they are keeping up-to-date with the changing requirements of the industry, such as newly introduced legislation, government policies or methods of work.
5. An individual seeking ongoing accreditation must hold, and must keep up to date, all licences and permits legally required to perform the tasks required (e.g. scientific licence under s.132C of the *National Parks and Wildlife Act 1974*, animal ethics approval in relation to fauna survey, a wildlife atlas licence and/or a fisheries licences). An individual must comply with all conditions of the licences and permits held.
6. An individual seeking ongoing accreditation must demonstrate that they adequately supervise the support team members involved in the preparation of a study.
7. An individual seeking ongoing accreditation must be able to demonstrate how and when it is determined that specialist expertise is required, and provide examples demonstrating that process.
8. An individual seeking ongoing accreditation must commit to a continued adherence to the Code of Conduct.

## Appendix V Draft guideline on the points system

Points can be lost if it is found that an AI is in breach of the accreditation criteria, ongoing accreditation criteria or the Code of Conduct that are relevant to the accreditation status of the individual. An AI can lose points as a result of compliance assessment or investigation of a complaint.

The broad principle applied to decisions regarding points loss will be whether the breach caused, or could have led to, an inaccurate assessment of impacts. If the breach resulted in an inaccurate assessment of impacts, a greater number of points will be removed.

<b>Warning and points loss levels</b>	<b>Examples of situations of points loss or warning letter</b>
Warning letter (no loss of points)	<ul style="list-style-type: none"> <li>• Out-of-date survey licence</li> <li>• Not responding in time to request by AP for information regarding compliance assessment</li> </ul>
Minor points loss (loss of 1-3 points)	<ul style="list-style-type: none"> <li>• Operating without a survey licence, where a licence is required</li> <li>• Not responding to warning letter sent with regard to compliance assessment</li> </ul>
Major points loss (loss of 4-9 points)	<ul style="list-style-type: none"> <li>• Not taking into account the limitations of survey work (e.g. conducting surveys at a time of year when species are unlikely to be present and not acknowledging the limits of these surveys or lack of survey effort and the limits of the lack of survey)</li> <li>• Repeated minor breaches of either the initial or ongoing accreditation criteria if it appears that no effort has been made to correct the cause of the breach</li> <li>• Not providing supervision to unaccredited support staff and relying on their findings</li> </ul>
Accreditation status loss (loss of 10 points)	<ul style="list-style-type: none"> <li>• Deliberate contravention of any of the items in the Code of Conduct (including dishonesty, misrepresentation and claiming accreditation when accreditation status is not held)</li> </ul>

The Points System Guidelines will continue to be developed by the AP during the operation of the Accreditation Scheme.



## **Appendix VI**

### **Industry examples of categories**

#### *Industry Example 1 – Category 1: Ecological survey*

Pat Barker has worked in the Western Plains area of NSW for the last 10 years. She does a whole variety of fauna survey work, including mammal trapping, bird surveys, as well as frog and reptile surveys. She generally provides a survey report to a variety of people, including small businesses as well as the larger environmental engineering companies. On occasion she does a direct contract job with one of the state organisations, like the Roads and Traffic Authority or TransGrid. These organisations use Pat's reports to prepare impact assessments of one kind or another, but they are generally used for the preparation of assessments of significance in relation to proposed development or proposed activity.

Pat would be able to apply for accreditation in Terrestrial Fauna Survey (Category 1b). She will be able to demonstrate her competence to conduct survey work in the Western Plains as she has 10 years experience doing this work. She may, or may not, have a degree, but at this stage the main way for her to demonstrate her competence is through her on-ground experience and knowledge. If she does not have a degree and wants to maintain accreditation well into the future, she should think about obtaining a qualification relevant to her work by the year 2011.

If Pat was awarded with accreditation, her accreditation might look something like: Pat Barker (AE Cat 1b (Western Plains)).

('AE' is the proposed abbreviation for an individual recognised by the NSW Dept. of Environment & Conservation under their Accreditation Scheme for individuals involved in threatened species and biodiversity survey and assessment, as being an Accredited Ecologist in all types of Terrestrial Fauna Survey in the Western Plains area of NSW).

#### *Industry Example 2 – Category 2: Ecological impact assessment*

Mark Tosca has a background in flora and vegetation survey. Mark did this kind of work for about three years prior to joining one of the larger ecological consultancies in Sydney. In this firm, Mark works as a project manager and is responsible for preparing a variety of ecological reports. He is also responsible for the preparation of Section 5A Assessments of Significance, which involves collecting and presenting the ecological information required to support these assessments. Mark has been doing this consultancy work for about three years.

Mark would be able to apply for accreditation in Category 2a – Section 5A Assessments of Significance. He will be able to demonstrate his competence for this category based on his time and experience from working at the consultancy, in addition to his time doing survey work. His experience enables him to understand, describe and interpret potential impacts on threatened species.

If Mark gained accreditation, his accreditation might look something like: Mark Tosca (AE Cat 2a).

#### *Industry Example 3 – Category 3: Ecological specialist*

Tim Short has just recently completed a PhD. One aspect of his study led him to develop a new identification key for a particular group of aquatic invertebrates.

Tim could apply for accreditation in Category 3 – Ecological specialist because of his expert knowledge and experience in relation to the identification of those particular aquatic invertebrates.

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If Tim gained accreditation, his accreditation might look something like: Tim Short (AE Cat 3 – Aquatic Invertebrate Identification).

## **Appendix VII**

### **Acknowledgements**

This document was prepared by Marian Traynor of the Biodiversity Conservation Unit (BCU), with contributions from Graham Wilson, Catherine Price and Ron Haering also of the BCU.

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DEC thanks Anne Conway and Anita Mitchell of EIANZ for providing very useful advice regarding the development of operational procedures for the Accreditation Scheme and other information about certification programs.

This project has been coordinated by Marian Traynor.

## Abbreviations

<b>Abbreviation</b>	<b>Meaning</b>
<b>AI</b>	Accredited Individual
<b>AP</b>	Accreditation Panel of the proposed scheme
<b>CAR</b>	Compliance Assessment Report
<b>CEnvP</b>	Certified Environmental Practitioner program introduced by EIANZ
<b>CIR</b>	Complaints Investigation Report
<b>DPI</b>	Department of Primary Industries
<b>ECA</b>	Ecological Consultants Association of NSW
<b>EIA</b>	Environmental Impact Assessment
<b>EIANZ</b>	Environmental Institute of Australia and New Zealand
<b>EO</b>	Executive Officer of the proposed scheme
<b>EP&amp;A Act</b>	NSW <i>Environmental Planning and Assessment Act 1979</i>
<b>EPA</b>	Environment Protection Authority
<b>EPIs</b>	Environmental Planning Instruments
<b>FM Act</b>	<i>Fisheries Management Act 1994</i>
<b>LGSA</b>	Local Government and Shires Association
<b>NPW Act</b>	<i>National Parks and Wildlife Act 1974</i>
<b>OPD</b>	Ongoing professional development
<b>Pg</b>	Pelagic subdivision of the Aquatic Coastal ecosystem
<b>RCAR</b>	Reviewed Compliance Assessment Report
<b>Ri</b>	Rocky Intertidal subdivision of the Aquatic Coastal ecosystem
<b>Rs</b>	Rocky Subtidal subdivision of the Aquatic Coastal ecosystem
<b>Sd</b>	Sedimentary subdivision of the Aquatic Coastal ecosystem
<b>SIS</b>	Species Impact Statement
<b>TSC Act</b>	<i>Threatened Species Conservation Act 1995</i>