



**CERTIFIED PRACTISING ECOLOGICAL CONSULTANT**

**Information Sheet 2**

**Conduct and Disciplinary Regulations and Procedures for a Certified Practising Ecological Consultant (CPEC)**

The Ecological Consultants Association of NSW has developed a Code of Business Practice, Professional Conduct and Ethics that sets standards for professional conduct consistent with sound scientific and ecologically sustainable principles. All Certified Practising Ecological Consultants (CPEC) consultants are bound by this Code and any non-compliance can be considered as a breach of the Code. An accredited CPEC will:

1. Act in a responsible and professional manner, extending courtesy to all (e.g. clients, colleagues, public authorities and legal practitioners);
2. Provide unbiased and objective advice;
3. Have proper regard to confidentiality agreements, and the sensitivity of client information;
4. Understand and abide by contracts;
5. Conduct work in a safe manner, and be compliant with work safety laws;
6. Be capable of providing oral and written advice that is defensible at all levels; and
7. Report correctly, truthfully, clearly and so far as is possible in the circumstances, fully and convey their findings objectively.

The Complaints Procedures set out below are intended to provide the framework to:

1. Consider allegations or evidence in a manner that is fair and reasonable to all concerned;
2. Draw conclusions based on the evidence;
3. If appropriate, the accreditation of a CPEC may be suspended, or removed, if the individual is shown to have breached the code of business practice, professional conduct and ethics and obligations of a CPEC; and
4. Provide for hearing appeals.

## **Grounds for Taking Disciplinary Action**

Disciplinary action may be taken by the Council against a CPEC if it is determined that the CPEC:

1. Has breached or persistently refused to comply with the Rules of Association or any By-law of this Association; or
2. Has breached or otherwise failed to comply with the Code of Ethics; or
3. In the reasonable opinion of the Association no longer supports the Rules of Association; or
4. Is found guilty of a criminal offence or otherwise has engaged in conduct prejudicial to the Association.

## **Disciplinary Panel**

1. If the President is satisfied that there are sufficient grounds for taking disciplinary action against the CPEC, the President will refer the matter to a Disciplinary Panel to hear the matter and determine what action if any, to take against the individual.
2. The President shall nominate the members of a Disciplinary Panel which must:
  - a. consist of the President or a voting member of the Council as nominated by the President to oversee the Committee;
  - b. include two voting members of the Association deemed to have the necessary skills required;
  - c. include a non-member of the Association with the necessary scientific background to provide robust advice on the matter;
  - d. not be biased against, or in favour of, the CPEC concerned.
3. The members of the Disciplinary Panel shall nominate one of the Panel to act as chairperson.
4. If required, the Disciplinary Panel may sit with a legally qualified adviser, who shall not be a member of the Disciplinary Panel.

## **Disciplinary Process**

1. A complaint needs to be made, in writing, to the President of the ECA.
2. The President will contact the Complainant seeking further information, if necessary.
3. On receiving the complaint and any further information, the President will inform the ECA Council of the complaint and seek comment.

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4. At this stage the name of the Complainant and CPEC should not be divulged to the Council or any other interested party.
5. Written notice must be given to the CPEC stating the grounds of the complaint.
6. Information supplied by the Complainant will be available to the CPEC.
7. The CPEC shall be given an opportunity to address the Disciplinary Panel during a formal hearing.
8. Notice of this hearing will be provided 30 days prior to the hearing taking place.
9. The CPEC may provide the Disciplinary Panel with information for review before the formal hearing.
10. The CPEC or Complainant has the right to call witnesses at the formal hearing and the Disciplinary Panel may:
  - a. require the CPEC or Complainant to attend;
  - b. require the CPEC or Complainant to produce documents in his possession which it considers relevant; and
  - c. request the attendance of witnesses at the formal hearing.
11. At the formal hearing, the Disciplinary Panel may, at its absolute discretion:
  - a. proceed in the CPEC's or Complainant's absence;
  - b. admit new evidence;
  - c. adjourn the hearing for no more than four weeks; and/or
  - d. accept the CPEC's or Complainant's submission that the complaint is justified.
12. The Disciplinary Panel will assess the information and provide the Council with a decision for endorsement.
13. The endorsed decision will be conveyed, in writing, to the Complainant and the CPEC.
14. The CPEC or Complainant shall use all reasonable endeavours to assist the Disciplinary Panel. If they fails to do so, the Disciplinary Panel shall be entitled to draw such adverse inference from the CPEC's or Complainant's failure to assist it as it shall think fit.

### **Appeals Panel**

1. The President shall nominate the members of the Appeals Panel which must:
  - a. consist of the President or a voting member of the Council as nominated by the President to oversee the Committee;
  - b. include two voting members of the Association deemed to have the necessary skills required;

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- c. include a non-member of the Association with the necessary scientific background to provide robust advice on the matter;
  - d. not be biased against, or in favour of, the CPEC concerned.
  - e. not more than one member should be a member of the Disciplinary Panel.
2. If required, the Appeals Panel may sit with a legally qualified adviser, who shall not be a member of the Appeals Panel.
  3. The members of the Appeals Panel shall nominate one of the Appeals Panel to act as chairperson.

### **Appeals Process**

1. The CPEC would have 30 days in which to lodge an appeal to the President in writing, which will be forward to the Appeals Panel.
2. A final decision will then be made and the Complainant and CPEC informed, in writing, of the final decision.
3. Time between the acceptance of an Appeal and the decision by Council should be no longer than 30 days.
4. The Appeal Board may:
  - a. allow the appeal;
  - b. refuse the appeal;
  - c. remit the matter to the Disciplinary Panel for a re-hearing.

### **Penalties**

The Disciplinary Panel may:

1. Take no further action against the CPEC; or
2. Counsel the CPEC on the Code of Business Practice, Professional Conduct and Ethics; or
3. Require undertakings of the CPEC in such terms as it considers fit; or
4. The certification of the CPEC may be suspended for a set period of time, or withdrawn; or
5. Any combination of the above.
6. The final decision and the reasons will be published on the ECA web site.

### **Administration of CPEC Disciplinary Panel and Appeals Panel**

Disciplinary and Appeals functions and duties relating to the CPEC scheme will be carried out by the CPEC Administration Officer and the CPEC Accreditation Panel.