

RULES OF THE BOARD OF CERTIFIED PRACTITIONERS

1. DEFINITIONS

- 1.1. In these Rules, unless the context otherwise requires:
 - 1.1.1. “Australian Council” means the Council of The Institute.
 - 1.1.2. “Code of Conduct” means any code of professional ethics and/or standards for CPs approved by the Australian Council from time to time.
 - 1.1.3. “CP” means Certified Practitioner.
 - 1.1.4. “CP Board” means the Board of Certified Practitioners.
 - 1.1.5. “OPD” means On-going Professional Development.
 - 1.1.6. “Register” means a register of CPs maintained by the CP Board in accordance with these Rules.
 - 1.1.7. “RTO” means any Registered Training Organisation approved by a relevant statutory authority.
 - 1.1.8. “The Institute” means The Institute of Quarrying Australia Incorporated.

2. CP BOARD

- 2.1. The CP Board shall manage its affairs in accordance with these rules.
- 2.2. The CP Board shall comprise the following seven members who must also be members of The Institute:
 - 2.2.1. A person (not being the Education Officer) nominated by The Institute’s Education Committee;
 - 2.2.2. The Institute’s Education Officer;
 - 2.2.3. A person nominated by the Australian Council;
 - 2.2.4. A representative of a large-scale quarrying operation, being a site on which more than 20 people are normally employed;
 - 2.2.5. A representative of a medium-scale quarrying operation, being a site on which more than five (5) people are normally employed, but on which not more than twenty (20) people are normally employed;
 - 2.2.6. A representative of a small-scale quarrying operation being a site on which not more than five (5) people are normally employed; and
 - 2.2.7. A representative of an appropriate regulatory agency.
- 2.3. The members of the CP Board (other than The Institute’s Education Officer the term of whose appointment shall be the term of their contract of employment determined by the Australian Council), shall serve for such period of time determined by the Australian Council in its absolute discretion.
- 2.4. The Australian Council may appoint the secretary and chairperson of the CP Board, and remove and appoint members of the CP Board at its absolute discretion, except as provided in clause 2.3.
- 2.5. A retiring member will be eligible for re-appointment by the Australian Council.
- 2.6. Nominations for membership of the CP Board will be called for from members of The Institute by the Education Committee not later than 1 August and will be accepted no later than 31 October in each year.
- 2.7. A nomination must be in writing in the form prescribed by the Australian Council from time to time.
- 2.8. The Education Committee shall make recommendations to the Australian Council, which shall make the appointments to the CP Board at its absolute discretion.
- 2.9. Any casual vacancy on the CP Board may be filled by the CP Board until an appointment is made by the Australian Council.

- 2.10. The CP Board shall meet at least three (3) times in each financial year.
- 2.11. The quorum for meetings of the CP Board shall be three (5).
- 2.12. A meeting of the CP Board shall be convened at any time upon the request of the chairman or any four (4) members of the CP Board.
- 2.13. A member of the CP Board who cannot attend at any meeting may authorise any other member of the CP Board to vote for him or her on all or any questions arising at the meeting in the form set out in **Schedule 1**.
- 2.14. Questions at any meeting of the CP Board shall be decided by a majority of votes recorded and, where there is an equality of votes, the chairman shall also have a casting vote.
- 2.15. At all meetings of the CP Board the chairman shall preside and in his or her absence any member of the CP Board chosen by those members present.
- 2.16. The CP Board shall cause to be entered in minute books the minutes of the proceedings of all its meetings, including the names of those present.
- 2.17. Until they have been confirmed by resolution the minutes of any meeting shall be prima facie evidence of the transactions and decisions of that meeting.
- 2.18. When they have been confirmed by resolution the minutes of any meeting shall be conclusive evidence of the transactions and decisions of that meeting, subject to the right to correct any error or omission in the minutes before or after they have been confirmed.

3. COMMITTEES AND ADDITIONAL SUPPORT

- 3.1. The CP Board may appoint such committees or co-opt additional support as are necessary, from time to time. With the approval of the Australian Council, remuneration may be made for members of such committees as well as for the additional support.

4. OBJECTIVES AND POWERS

- 4.1. The CP Board must implement and manage The Institute's CP qualification system and in particular:
 - 4.1.1. implement the aims and objectives of The Institute;
 - 4.1.2. process applications for accreditation as a CP;
 - 4.1.3. with the approval of the Australian Council, set criteria for the accreditation of CPs;
 - 4.1.4. with the approval of the Australian Council, set criteria for OPD;
 - 4.1.5. encourage the highest standards of competence, conduct and on-going professional development amongst CPs;
 - 4.1.6. promote the Code of Conduct among CPs; and
 - 4.1.7. maintain a register of CPs.

5. CERTIFIED PRACTITIONER GRADES

- 5.1. The CP Board may accredit persons as CPs in the grades that are approved from time to time by the Australian Council.
- 5.2. The CP Board will publish any criteria for accreditation in addition to these rules as approved and amended from time to time by the Australian Council.

6. REQUIRED DOCUMENTATION

- 6.1 A person applying to become a CP must submit to the secretary of the CP Board a completed application on the prescribed application form, which shall include:

- 6.1.1 a detailed work history, or curriculum vitae (CV), providing clear evidence that the person has worked competently in the general area of practice relative to the grade applied for, and showing that he or she meets the requirements described in these rules; and
 - 6.1.2 the names of at least two (2) suitably qualified and experienced industry participants as referees, who are familiar with their qualifications and experience and can substantiate their CV. Each of these referees will be required to submit a testimonial to the CP Board to accompany the application. At least one of the referees should have the qualifications or experience relating to the applicant's grade.
- 6.2 The applicant must also:
- 6.2.1 sign a declaration that all the information in the application is true;
 - 6.2.2 furnish any other information the CP Board may reasonably request;
 - 6.2.3 sign a declaration of adherence to the Code of Conduct;
 - 6.2.4 sign a declaration that they will complete OPD as required from time to time; and
 - 6.2.5 pay the required application fee.
7. THE APPLICATION AND ASSESSMENT PROCESS
- 7.1. On receipt of an application for accreditation as a CP:
- 7.1.1. the secretary must check the application for completeness and make any request for further information required by the CP Board.
 - 7.1.2. the CP Board may reject an application that has not been completed within ninety (90) days of a request for additional information and the application fee will be forfeited by the applicant.
- 7.2. The secretary of the CP Board must check that the applicant complies with the following criteria:
- 7.2.1. the applicant is a financial member of The Institute or an Institute affiliated with The Institute;
 - 7.2.2. there are no ethics / conduct findings against or pending against the applicant;
 - 7.2.3. the applicant has not been found guilty of any criminal act or offence; and
 - 7.2.4. there are no criminal charges pending against the applicant.
- 7.3. If the applicant does not comply with clause 7.2 the secretary of the CP Board may reject the application and the applicant will forfeit the application fee, and:
- 7.3.1. The applicant must be informed of the rejection of his or her application under this clause within fourteen (14) business days; and
 - 7.3.2. The applicant must be advised that he or she is able to resubmit an application once he or she can meet the criteria set out in clause 7.2.
- 7.4. If the applicant satisfies the criteria in clause 7.2 the secretary may on behalf of the CP Board:
- 7.4.1. request a report from the respective Branch or Sub-Branch of the Institute of which the applicant is a member within six (6) weeks of receipt; and
 - 7.4.2. once the report is received submit it with the application to the CP Board.
- 7.5. At least two (2) members of the CP Board, nominated at the discretion of the CP Board, must consider the application and return a report to the secretary of the CP Board within twenty eight (28) days.
- 7.6. If the members of the CP Board who assess the application are of the unanimous opinion that the application meets the relevant criteria as required by these rules the application will be listed for a decision at the next meeting of the CP Board. If the members of the CP Board who assess the application cannot form an opinion based

on the information available then the secretary may request further information from the applicant or his or her referees as directed by the members of the CP Board who reviewed the application.

7.7. The applicant may be required to attend an interview with one or more of the members of the CP Board at a time and place convenient to both the applicant and the CP Board.

8. ACCEPTANCE OR REJECTION OF AN APPLICATION

8.1. If the CP Board accepts an application:

- 8.1.1. the date of admission, which is recorded on the Register and the Certificate, will be the date of the determination of the CP Board;
- 8.1.2. the secretary must send a letter of acceptance and the relevant Certificate to the applicant within fourteen (14) business days of acceptance;
- 8.1.3. the details of the new CP will be added to the Register within fourteen (14) business days of acceptance;
- 8.1.4. all copies of the application are to be destroyed and the originals held by the secretary of the CP Board; and
- 8.1.5. if the application has been for a re-admission, the date recorded will be the date of the decision for re-admission except that in certain cases where the re-admission is approved less than three (3) months after a removal then the CP Board may allow the use of the date of initial admission for registration purposes.

8.2. If the application is rejected by the CP Board the secretary must notify the applicant of the following in writing within fourteen (14) business days:

- 8.2.1. the grounds on which the rejection is based; and
- 8.2.2. that the applicant may appeal the rejection of his or her application to the secretary of the Australian Council in writing within twenty eight (28) business days of receiving notification of the rejection of the application.

8.3. Where an application is rejected by the CP Board (for whatever reason), the fees associated with that application (or renewal) shall be forfeited.

9. APPEALS TO THE AUSTRALIAN COUNCIL

9.1. Where the secretary of the Australian Council receives notice of an appeal under clause 8.2 the secretary must:

- 9.1.1. refer the appeal to the next meeting of the Australian Council after the date on which the notice is received; and
- 9.1.2. give as soon as reasonably practicable the applicant notice of the date of that meeting and notice that the applicant has a right to be heard at that meeting.

9.2. At the meeting of the Australian Council referred to in clause 9.1.1:

- 9.2.1. the CP Board may place before the meeting details of the grounds for rejection;
- 9.2.2. the applicant must be given the opportunity to be heard;
- 9.2.3. the members present will vote by secret ballot on whether the application should be confirmed or rejected; and
- 9.2.4. the Australian Council may adjourn the hearing of the appeal once to the next meeting of the Australian Council if it requires further information from the CP Board or the applicant. The appeal must be decided at the next meeting.

9.3. Any rejected applicant may reapply after twelve months from the date of rejection by submitting a new application.

10. PRIOR EXPERIENCE ('GRANDFATHER' CLAUSE)

- 10.1. A person who can demonstrate that he or she performed the role of a manager or supervisor relating to the quarrying industry prior to the commencement of this certified practicing system, and/or who has been granted a relevant statutory certificate, and can demonstrate that they have maintained their practice and OPD may, even if they do not have the qualifications otherwise required by these Rules, apply in the normal way and be considered by the CP Board for registration as a CP.

11. UPGRADE OF CP GRADE

- 11.1. A CP may submit an application to upgrade his or her current CP grade to another grade.

12. REGISTER OF CP

- 12.1. The CP Board must maintain an up to date Register that lists all accredited CPs and their:
- 12.1.1. title and full name;
 - 12.1.2. Institute (or affiliated Institute) membership grade;
 - 12.1.3. CP grade and date of CP accreditation; and
 - 12.1.4. any other detail about the qualifications and professional experience of the CP that the CP Board may consider it is reasonable to include in the Register.
- 12.2. The CP Board may publish the Register in part or in full in any form the CP Board thinks fit.

13. POST NOMINALS

- 13.1. CPs shall be entitled to describe themselves as being a Certified Practicing Quarry Supervisor or Certified Practicing Quarry Manager by using the post nominal (CPMS or CPQM) designated to their respective grade by the CP Board.

14. ON-GOING PROFESSIONAL DEVELOPMENT & CONTINUING PRACTICE

- 14.1. The Australian Council may pass resolutions relating to the number of hours required for maintenance of OPD and continuing practice, and any other criteria for OPD or continuing practice.
- 14.2. An accredited CP must annually review and update evidence of his or her compliance with his or her OPD and continuing practice obligations during the previous year, in such manner as required by the CP Board.
- 14.3. The CP Board may request that a CP supply evidence or further evidence of compliance with their OPD obligation and/or continuing practice.

15. FEES AND SUBSCRIPTIONS

- 15.1. The Australian Council on the advice of the CP Board may prescribe such application fees, and annual renewal fees, as may be payable.
- 15.2. Any fees shall be payable with annual subscription or on notice of admission and on renewals to CP accreditation.

16. CESSATION OF CP ACCREDITATION

- 16.1. A CP who is a member of The Institute (or affiliated Institute) when accredited, who later ceases to be a member of The Institute (or affiliated Institute) shall cease to be a CP and his or her name shall be removed from the Register of CPs as soon as reasonably practicable.

- 16.2. If a CP fails to provide evidence of compliance with OPD to the satisfaction of the CP Board when it is due, the CP Board may suspend the person's name from the Register.
- 16.3. A CP who fails to provide evidence of his or her compliance with his or her OPD obligations within four (4) months of such evidence being due, and without a satisfactory reason, shall be deemed to have forfeited his or her CP accreditation and shall be removed from the Register as soon as reasonably practicable.
- 16.4. A person may resign CP accreditation by informing the CP Board to that effect in writing, and his or her name shall be removed from the Register as soon as reasonably practicable.
- 16.5. The rights and privileges of a CP shall cease immediately upon a person's removal from the Register, including the use of the post nominal.

17. AUDITING THE CP SYSTEM

- 17.1. The CP Board may check, or cause to be checked, a CP's compliance with these Rules. Audits may be implemented by the CP Board, to be conducted in accordance with any relevant Australian Standards.

18. VALIDATION OF QUALIFICATIONS

- 18.1. The CP Board may check, or cause to be checked, the validity of any qualifications submitted.

19. DISCIPLINARY ACTION

- 19.1. The CP Board may suspend or cancel a person's CP accreditation if:
- 19.1.1. he or she has breached any provisions of these rules or the Code of Conduct; or
 - 19.1.2. he or she has been guilty of any unprofessional conduct prejudicial to the interests of The Institute;
 - 19.1.3. his or her accreditation was obtained due to the submission of incorrect information or by other improper means;
 - 19.1.4. he or she fails to pay any fees required by the CP Board;
 - 19.1.5. he or she has ceased to hold the qualifications for CP status prescribed by these rules;
 - 19.1.6. he or she has been found guilty of any criminal offence.
- 19.2. The CP Board shall advise the Australian Council before taking any disciplinary action.
- 19.3. If an allegation is made against a CP under clause 19.1 the CP Board may investigate the allegation or dismiss the allegation at its discretion
- 19.4. A decision made under clause 19.1 must be made by majority resolution of the CP Board.
- 19.5. If a resolution is proposed under clause 19.4 the secretary of the CP Board must give the CP at least fourteen (14) business days written notice of:
- 19.5.1. the details of the allegations;
 - 19.5.2. the penalties available to the CP Board;
 - 19.5.3. the date and time of the meeting of the CP Board at which the resolution is to be proposed;
 - 19.5.4. the CP will be given the opportunity to be heard and provide reasonable evidence in relation to the alleged breach to that meeting; and
 - 19.5.5. if the resolution is passed the CP will be given the opportunity to be heard and provide reasonable evidence in relation to the penalty to be imposed.

- 19.6. The CP Board may publish in any form the CP Board deems fit, any disciplinary action taken against a CP.
- 19.7. If a person's CP accreditation is suspended or cancelled under this clause the secretary of the CP Board must notify the person in writing within fourteen (14) business days:
 - 19.7.1. the penalty imposed and the grounds on which the penalty was imposed; and
 - 19.7.2. that the person may appeal to the secretary of the Australian Council in writing within twenty eight (28) business days of receiving notification.
- 19.8. If the secretary of the Australian Council receives notification of an appeal then the procedure set out in clause 9 must be followed.

20. ACCOUNTS

- 20.1. The CP Board's financial transactions and accounting shall be carried out in such ways as approved by the Australian Council.
- 20.2. Within four (4) weeks following the end of each financial year, the CP Board must submit accounts showing the true financial position of the CP Board to the Australian Council for auditing including, but not limited to:
 - 20.2.1. accounts of all receipts and payments;
 - 20.2.2. a statement of all outstanding liabilities;
 - 20.2.3. a statement of profit and loss.

21. NON-CONFLICT BETWEEN THESE RULES AND THE INSTITUTE'S BY-LAWS

- 21.1. Where these rules are silent in any matter or their provisions are in conflict with those of The Institute's By-laws, The Institute's By-laws shall take precedence over these Rules.

22. NOTICES

- 22.1. Any notice to be served on the CP Board or the Australian Council under these rules must be served on the registered address of The Institute.
- 22.2. Any notice to be served on an applicant for CP accreditation under these rules must be served at the address given on the application form.
- 22.3. Any notice to be served on a CP under these rules must be served at the address for that CP shown on the register
- 22.4. A notice may be served by:
 - 22.4.1. pre paid mail, which will be taken to have been received three business days after posting; or
 - 22.4.2. personal delivery during normal business hours on a business day.

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Schedule 1

I.....of.....being a member of the CP Board,
 hereby appointof.....or, in his/her
 absence,
of.....as my proxy to vote for me on
 my behalf at the meeting of the CP Board to be held onand at
 any adjournment of that meeting
 Signed.....
 Date.....

