

## **Water Industry Professionals Disciplinary Policy**

This document sets out the criteria and process for any disciplinary action which Water Industry Professionals Management Committee (**Committee**) may take against an Enrolled Water Industry Professional. This has been set by the Committee and is current as at 01 September 2019.

### **1. Circumstances in which this policy will apply**

- (a) The Committee may cancel a person's Water Industry Professionals Enrolment or Registration if after following the procedure in clause 2, the Committee is satisfied on reasonable grounds that:
  - (i) The holder's application for the enrolment or registration contained false information or evidence; or
  - (ii) The enrolment or registration was issued in error.
- (b) The Committee may cancel or suspend for such period as it sees fit, or impose any other penalty (including retraining, censure, warning and statement on the persons record) it decides is warranted in the circumstances, if after following the procedure in clause 2 it is satisfied on reasonable grounds:
  - (i) that the person has been so negligent in carrying out any work as a water professional that the life of any person has been or could have been endangered; or the environment damaged,
  - (ii) that the person has shown himself or herself unfit to be enrolled or registered by the manner in which he or she has carried out any work as a water professional.
- (c) The Committee must cancel a person's enrolment and/or registration if it is reasonably satisfied that the holder has died.

### **2. The Disciplinary Procedure**

- (a) The Disciplinary Procedure shall be triggered if the Committee receives:
  - (i) advice that the information or evidence in an application for the enrolment or registration is false or incorrect;
  - (ii) advice that the enrolment or registration was issued in error;
  - (iii) a complaint about an enrolee or registration holder;
  - (iv) information that an enrolee or registration holder is being prosecuted by Worksafe or another authority; and
  - (v) advice that the enrolee or registration holder has had other relevant licenses or registrations cancelled or suspended.

- (b) If any information of the kind referred to in 2(a) is received by the Management Committee, the Committee shall:
1. Within 5 business days of receiving information of the kind referred to in 2(a) assess the information and decide either:
    - (i) to commence an investigation in relation to the information; or
    - (ii) that an investigation is, in the Committees reasonable opinion, not warranted (including because the information is trivial, vexatious, outdated, incorrect, unreliable or otherwise does not warrant an investigation).
  2. If the Committee decides an investigation is not warranted the Committee must:
    - (i) record that he or she has received and assessed information of the kind referred to in 2(a) and decided that that an investigation is not warranted along with the reasons for deciding that an investigation is not warranted;
    - (ii) communicate that decision to affected parties; and
    - (iii) include the decision and the reasons for the decision not to investigate in the reports to the Committee.
  3. If the Committee decides to commence an investigation in relation to the information, the Committee shall:
    - (i) provide written notice to the enrollee and/or holder of the Registration specifying:
      - a. the nature of the information received under clause 2;
      - b. that the information is being investigated;
      - c. that an outcome of the investigation may be that the enrolment or holder's Registration could be cancelled or suspended under clause 1 of this Policy (and stating which limb or limbs of clause 1 applies);
      - d. that the holder has the opportunity to make submissions on the information being investigated, either in writing (via letter or email) or in person;
      - e. that if making submissions in person, the holder may bring a support person with them (including a lawyer) but may not have someone appear on their behalf;
      - f. the date by which any written submissions must be made;
      - g. the date on which the Committee will hold a hearing in relation to the investigation; and
      - h. that once the Committee makes a decision, the holder will be notified accordingly.

- i. gather any other evidence relating to the information being investigated and, if it thinks fit, prepare its own written submissions for the Committee; and
    - j. provide all information gathered or received by it, including its own submissions, to the Committee and to the holder at least 2 business days prior to the date of the Committee's hearing.
  4. At the Committee's hearing in relation to the investigation:
    - (i) A quorum of the Committee must be present for the hearing to proceed;
    - (ii) The Committee shall hear the holder, if the holder has elected to make submissions in person (which can include by telephone, video conference or other means of communication);
    - (iii) If the holder is present, the Committee may hear oral submissions from the any witnesses the Committee has asked to appear, and the holder shall have the right to respond;
    - (iv) If the holder is not present, the Committee may consider only the written information provided to it;
    - (v) If the Committee considers it does not have sufficient information to make a decision, it may request further information, and adjourn the hearing to such time and date as it thinks fit (and shall notify the holder accordingly, and paragraph (e)(i)(d) – (h) above shall apply, with all necessary modifications, to the extended investigation);
    - (vi) If the Committee considers it has sufficient information to make a decision, it shall conclude the hearing and commence its deliberations; and
    - (vii) The Committee shall seek to reach a decision as soon as possible and no later than 5 business days after the hearing.
  5. The Committee Chair will inform the enrolee or registration holder in writing of:
    - (i) The Committee's decision;
    - (ii) The reasons for the decision;
    - (iii) The enrolee or registration holder's right to appeal the decision and
    - (iv) Their obligation to return their registration within 7 business days.

### **3. The Procedure to Cancel in case of death of a Registration holder**

- (a) This Procedure to Cancel in case of death of an enrolee or registration holder shall be triggered if the Committee receives advice that an enrolee or registration holder has died.

(b) Within 10 business days of receiving information of the kind referred to in 3(a) (and such supporting evidence as the Committee reasonably requires), the Committee shall, if reasonably satisfied that the holder has died, cancel the enrolment or registration.