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7 August 2009

Ms Sue Holliday  
President  
Building Professionals Board  
PO Box 3720  
PARRAMATTA NSW 2124

Dear Ms Holliday

### **Accreditation of Council Building Surveyors**

The Associations would like to thank you for meeting to discuss the latest proposal for the accreditation of council certifiers as well as the opportunity to comment on the revised scheme. The revised scheme is a significant improvement on the draft accreditation scheme proposed by the Board in November 2008 and a number of the concerns of the LGSA and Local Government have been addressed. However, the Associations still have some queries and issues of concern which are canvassed below.

It is noted that the proposed scheme has been provided to the Associations in outline form only. Given the importance of this issue to Local Government, we would appreciate the opportunity to discuss and comment on the final draft of the accreditation scheme and any legislative or regulatory changes, prior to their finalisation and commencement.

#### **Element 1: Categories of accreditation**

There needs to be more clarity about how council certifiers would progress between levels of accreditation. After 2011, council certifiers will be subject to the same accreditation standards as private certifiers. The costs involved in meeting the qualifications required at the various levels of accreditation could be significant for councils or council certifiers (depending on who pays) and may restrict the up skilling of staff, particularly in rural areas. Further, there is some concern that council certifiers currently operating at an A1 level will not be able to meet the new accreditation standards, which may impact on the cost of and councils' capacity to meet their certification obligations.

#### **Element 2: Requirements for accreditation**

There is insufficient information available on the existing gap between council certifiers' current qualifications and future educational and training requirements under the proposed accreditation scheme. This makes it difficult to assess the cost implications of the scheme in relation to the training and development of council certifiers. It is essential that the BPB undertakes further work in this area to better understand the training and development requirements of council officers, particularly in rural areas, and to clarify the options available to council officers in terms of recognised courses and training. The LGSA would be happy to assist in this process.

**Element 3: Accreditation process**

There is a need to clarify the renewals process – what will be the BPB requirements for renewal of accreditation? A report on relevant experience during the preceding year or a more onerous interview/assessment process?

**Element 4: Fees**

It is proposed that the fees for accreditation be waived in the first year for council certifiers and then be set at \$250 per year for levels A1-A3. No fee has yet been set for A4 (trainee level). This fee is significantly lower than the fee paid by private certifiers (currently \$1500 per year) and is supported by the LGSA. However there is no guarantee that the fee level will remain at this level in future years, which could have significant cost implications for councils and individual officers. The BPB needs to provide a guarantee that the fee level for accreditation will remain at \$250 for at least 5 years.

**Element 5: Councils' legislative requirements**

It is noted that councils have a legal obligation to provide certification services, which is not the case with private certifiers. This requirement is clearly at odds with the claim that the certification market is or should be a 'level playing field'. Councils are often required to provide certification services to more problematic developments, which is costly and time consuming.

**Element 6: Transferability between council areas**

This provision is supported.

**Element 7: Continuing professional development requirements**

The availability and accessibility of CPD courses has been raised by a number of councils, particularly those in rural and regional areas. The BPB has recognised that there are problems in getting educational institutions to establish courses that are relevant and appropriate, and accessible to certifiers outside the metropolitan area. The BPB is looking at currently recognised courses being run by the Australian Institute of Building Surveyors (AIBS), the Association of Accredited Certifiers and options for courses to be run by other service providers, including the LGSA and individual councils. The LGSA would appreciate being advised of progress on this issue.

**Element 8: Disciplinary procedures**

The accreditation of council certifiers will bring them under the disciplinary procedures of the BPB, which include the power to issue fines of up to \$110,000, orders for compensation, and suspension or cancellation of accreditation. The BPB is proposing that compensation orders and fines be issued against councils, rather than individual certifiers. The LGSA believe that alternative options to the issue of fines against councils should be considered by the BPB and would appreciate the opportunity to discuss these options in more detail. Options include:

- Councils and their officers should not be liable for fines issued by the BPB however officers would be subject to the corporate disciplinary procedures of council. The BPB has indicated it will take into account actions taken by a council when determining whether to take disciplinary action against an individual.
- Councils should have the option of passing on fines to individual officers, depending on the circumstances of the case.
- Council officers (rather than councils) should be individually liable for fines issued by the BPB.

There also is a need for further detail on what the BPB will take into account in determining disciplinary action against individual council officers. Guidelines on this will be required to improve the transparency of the process and provide certainty to councils.

**Element 9: Liability**

There is still some uncertainty about whether council employees will be covered under councils' current insurance policies given their individual liability under the accreditation scheme. Also the need for 'run-off' cover for ex-employees needs to be considered. The LGSA is currently seeking advice from a major Local Government insurer and would appreciate the opportunity to discuss this matter further with the BPB once this advice has been received.

**Element 10: Transitional arrangements**

The BPB proposes a 6 month transitional period from the commencement of the scheme, after which time councils must only undertake certification work using accredited certifiers. The LGSA questions whether this will provide the BPB with sufficient time in which to accredit all or the majority of council certifiers. The LGSA would recommend a 12 month transitional period.

**Element 11: Conflicts of interest – design services**

This provision is supported.

Thank you again for the opportunity to comment on the revised scheme. We would appreciate your Board's careful consideration of our comments, and look forward to further discussions on these issues.

Yours sincerely

Bill Gillooly AM  
**Secretary General**