

Accreditation of Council Building Surveyors

Introduction

In late 2008, the Building Professionals Board exhibited a proposal regarding the accreditation of council building surveyors.

The proposal was placed on exhibition for three months.

Under the proposal, the *Building Professionals Amendment Act 2008* would introduce a requirement that councils may only carry out the specified work of a certifying authority when an appropriately accredited individual carries out the work on the council's behalf.

The proposal also suggested

- categories of accreditation for council building surveyors
- the requirements for accreditation for these officers
- a process for the accreditation of council officers.

Draft responses to issues raised during exhibition are listed below. (Note: as proposals regarding 'exemptions' were generally agreed upon these are not listed).

Key outcomes

The Board has responded constructively to feedback received during the exhibition.

Responses generally recognise the need to

- ensure council staff and private certifiers are both subject to the same accreditation process.
- avoid significant costs or time constraints associated with accreditation
- allow staff to transfer their accreditation between councils
- ensure all relevant qualifications and experience are recognised.

Element 1: Categories of accreditation

Exhibited proposal

- Proposed three new categories of accreditation: B1, B2 and B3, equivalent to existing private certifier categories A1, A2 and A3.
- Categories required the accredited person to only undertake certification work on behalf of the council(s), and within the council area, that recommended them for accreditation.

Feedback received

- Council staff would require re accreditation if moving to a different council.
- The proposed categories (B1, B2, B3) imply council staff are less capable than private certifiers.
- The model does not provide for trainees to enter the system.

Response

A1, A2, and A3 will apply to council building surveyors.

Council building surveyors can undertake certification work across councils and can only undertake certification work on behalf of a council.

Category A4 will allow for the accreditation of trainee building surveyors (both council and private)

Element 2: Requirements for accreditation

Exhibited proposal

- Proposed qualification and experience requirements for each category and split the experience requirements into:
 - period of experience assessed by council
 - quality/relevance of experience assessed by an appropriately qualified provider against a guide developed by the Board.

Feedback received

- Proposed qualifications list does not recognise the whole range of different, though related, qualifications held by council building surveyors.
- The assessment criteria should not be lower for council staff.

Response

Degrees and older qualifications will be recognised.

Accreditation at A2 and A3 levels can be granted based on experience only.

A two-year window will be provided for council staff to be accredited using these accreditation criteria. After this point, all applicants will be assessed against same criteria as private certifiers.

Element 3: Accreditation process

Exhibited proposal

- Councils or third-party assessors can assess applicants in accordance with the qualification and experience requirements in the Regulation and best practice national assessment guidelines.
- Council can recommend the granting of a relevant accreditation at or above the grade sought.

Feedback received

- The process is complex, onerous and will be costly to administer, implement and maintain.
- A standardised national approach should be sought recognising AIBS national accreditation
- Councils taking on the role of an assessment body may result in inconsistencies.
- If costs discourage councils supporting accreditation of relevant staff, an "underclass" of unaccredited building surveyors may, in turn, not have access to continuing professional development etc.
- Third-party assessors add complexity, cost and time constraints.

Response

Councils must endorse a staff member's application.

Requirements will be assessed by the Board.

The Board will work with AIBS to ensure recognition of AIBS accreditation in the Board's Accreditation Scheme.

Element 4: Fees

Exhibited proposal

- Accreditation fees proposed to be \$250 per person for initial accreditation and every annual renewal thereafter.

Feedback received

- Fees may increase over time.
- It is unclear who will meet costs.
- Councils may not be able to afford fees.

Response

Accreditation fees to be:

Year 1 - free

Year 2 - \$250

Year 3+ - \$250.

Fee payment will be negotiated between councils and staff.

Renewals will be every three years.

Element 5: Councils' legislative requirements

Exhibited proposal

- Councils are required to accept and determine all applications for Part 4A and complying development certificates under the EP&A Act.
- Councils cannot opt out of providing certification services.

Feedback received

- Councils should have the power to refuse to accept applications and/or opt out of certification services in specified circumstances due to high costs of maintaining the service.

Response

There is no change from the exhibited proposals. Certification fees are not prescribed by legislation - Councils should set fees to cover the costs of the service.

Element 6: Transferability between council areas

Exhibited proposal

- A council officer's accreditation applies only to work in the local government area in which they are employed.

Feedback received

- Accreditation and re-accreditation by each council as staff move will result in a lack of uniformity, lack of confidence by insurers may constitute restriction of trade and is against moves by COAG.

Response

Council officers permitted to carry out work in other council areas based on a single accreditation process.

Element 7: Continuing professional development requirements

Exhibited proposal

- Council accredited certifiers must meet the requirements of the continuing professional development (CPD) program contained in Schedule 5 of the Accreditation Scheme.

Feedback received

- Courses are costly and require significant time resources.
- External training is unnecessary.
- CPD requirements may be a burden to part time workers and those on maternity leave.

Response

There is no change from the exhibited proposals. CPD is considered crucial to maintaining competence and councils are already required by legislation to provide CPD for staff. Existing council-organised CPD programs can be recognised under the Accreditation Scheme, subject to the Board's approval.

Element 8: Disciplinary procedures

Exhibited proposal

- Council certifiers are subject to the Board's sanctioning powers if found guilty of unsatisfactory professional conduct or professional misconduct (including issuing of fines of up to \$110,000, orders for compensation, and suspension or cancellation of accreditation).
- Officers are subject to audit investigation procedures.
- Councils must report to the Board where a complaint is received about certification work undertaken by a council accredited certifier under the council's code of conduct, or other relevant requirements.

Feedback received

- Disciplinary against individual council officers is inappropriate as council officers are subject to other regulatory and management systems that do not apply to private certifiers.
- Council staff should not be accountable to the Board in addition to the council – this could bring about a 'double jeopardy' situation.
- Council officer salaries are not commensurate with salaries earned in the private sector.

Response

Disciplinary actions against council staff will exclude compensation orders and fines – these will be issued on the relevant council.

'Double jeopardy' does not apply where offences occur under different legislation.

The Board will notify both council and the council officer of any complaint received.

The Board will take into account actions taken by a council when determining whether to take disciplinary action against an individual.

Council is not required to give notice to the Board on matters that may constitute unsatisfactory conduct/professional misconduct by council certifiers.

Element 9: Liability

Exhibited proposal

- Civil liability of council accredited certifiers – that is, for actions outside the disciplinary processes under the BP Act - remains unchanged.

Feedback received

- Proposed liability may not be insurable.
- The employee or council must bear the cost of the insurance.
- Effect of protection of good faith provision in *Local Government Act* on liability

Response

There is no change to the exhibited proposal
Protections from liability under *Local Government Act* remain - where actions are taken in "good faith", council's insurance policy continues to provide coverage.

Element 10: Transitional arrangements

Exhibited proposal

- Within six months of the new requirements being in place, councils must only undertake certification work using accredited staff.
- New council staff or existing unaccredited council staff must be accredited in the same way as private certifiers after 2014.

Feedback received

- Council officers will need to be assessed against scheme requirements after five years even though they will continue to be supported by council systems.

Response

The six month transitional process will remain as per the exhibited proposal.
Due to increased flexibility introduced in accreditation criteria, the extended transitional period is no longer needed. New council staff or existing unaccredited staff will be accredited in the same way as private certifiers after 2011.

Element 11: Conflicts of interest - design advice

Exhibited proposal

- Council officers are subject to the same requirements as private certifiers.
- Council officers can only provide advice to applicants about **how** to comply with the requirements of the BCA (deemed to satisfy) in respect of Class 1 and 10 buildings.
- Advice on other classes are restricted to identifying **where** non compliances exist.

Feedback received

- Council officers should continue their traditional function of providing design advice to ratepayers.
- There is no direct financial link between the applicant and the council officer so a conflict of interest does not arise.
- The provision of design advice disregards the community service role by council in relation to building matters.

Response

Council officers will be able to provide advice as they currently do.
Conflict of interest provisions concerning design advice will not apply to accredited council officers.

Proposed categories of accreditation – council building certifiers

Category of Accreditation	Criteria
<p>A1 – Building Surveying grade 1</p> <p>Construction, compliance, occupation and complying development certificates, critical stage inspections and pre-construction and pre-complying development certificate inspections for all classes and sizes of buildings.</p>	<p>3 years practical experience relevant to this category to the satisfaction of the Board and one of either:</p> <ul style="list-style-type: none"> • Ordinance 4 certification • AIBS National accreditation • BSAP accreditation • Diploma in Building Surveying* <p>The council employing the person must certify that the person is competent and has the appropriate skills and knowledge to undertake Category A1 certification work.</p> <p>Prescribed condition that this accreditation is non-transferable outside local government.</p>
<p>A 2 - Building Surveying grade 2</p> <p>Construction, compliance, occupation and complying development certificates, critical stage inspections and pre-construction and pre-complying development certificate inspections for the following buildings:</p> <ul style="list-style-type: none"> • Class 1 and 10 buildings • Class 2 to 9 buildings with a maximum rise in storeys of 3 storeys and a maximum floor area of 2000m² • Buildings with a maximum rise of 4 storeys in the case of a building that comprises only a single storey of Class 7a carpark located at the ground floor level or basement level and with 3 storeys of Class 2 building above, and with a maximum floor area of 2000m² 	<ul style="list-style-type: none"> • 2 years practical experience relevant to this category to the satisfaction of the Board and one of either: <ul style="list-style-type: none"> • Ordinance 4 certification • AIBS National accreditation • BSAP accreditation • Diploma in Building Surveying* <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> • 3 years practical experience relevant to this category to the satisfaction of the Board <p>The council employing the person must certify that the person is competent and has the appropriate skills and knowledge to undertake Category A2 certification work.</p> <p>Prescribed condition that this accreditation is non-transferable outside local government.</p>

Category of Accreditation	Criteria
<p>A3 – Building Surveying grade 3</p> <p>Construction, compliance, occupation and complying development certificates, critical stage inspections and pre-construction and pre-complying development certificate inspections for the following buildings:</p> <ul style="list-style-type: none"> • Class 1 and 10 buildings deemed to satisfy • Class 2 to 9 buildings with a maximum rise in storeys of 2 storeys and a maximum floor area of 500m² deemed to satisfy 	<ul style="list-style-type: none"> • 12 months practical experience relevant to this category to the satisfaction of the Board and one of either: <ul style="list-style-type: none"> • Ordinance 4 certification • AIBS National accreditation • BSAP accreditation • Diploma in Building Surveying* <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> • 2 years practical experience relevant to this category to the satisfaction of the Board <p>Prescribed condition that this accreditation is non-transferable outside local government.</p> <p>The council employing the person must certify that the person is competent and has the appropriate skills and knowledge to undertake Category A3 certification work.</p>
<p>A4 - Building inspector</p> <p>Critical stage inspections and pre-construction and pre-complying development certificate inspections for the following buildings:</p> <ul style="list-style-type: none"> • Class 1 & 10 buildings DTS; and • Class 2-9 buildings with a maximum rise of 2 storeys and DTS up to 500m² in floor area 	<p>One of the following:</p> <ol style="list-style-type: none"> 1. Working under the supervision of another A1 to A3 accredited certifier and undertaking a building surveying course recognised as satisfying the qualification requirements for A3 above, or 2. Completed a building surveying course recognised as satisfying the qualification requirements for A3 above, or 3. 12 months practical experience relevant to this category to the satisfaction of the Board, or 4. Completed a Certificate IV building course with 6 months practical experience relevant to this category to the satisfaction of the Board, or 5. Completed a Certificate IV Pre-purchase inspections course with 6 months practical experience relevant to this category to the satisfaction of the Board. <p>Prescribed condition that this accreditation is non-transferable outside local government.</p> <p>The council employing the person must certify that the person is competent and has the appropriate skills and knowledge to undertake inspections.</p>

* Diploma of Building Surveying and all previous versions of this qualification offered by TAFE NSW (or equivalent) provided they included a Building Surveying component e.g.:

- Diploma in Environmental Health and Building Surveying TAFE NSW
- Associate Diploma Applied Science (Health and Building Surveying) TAFE NSW
- Associate Diploma in Health and Building Surveying TAFE NSW
- Associate Diploma in Health and Building Surveying