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New scheme for accrediting certifiers in New South Wales

The purpose of this circular is to outline the main provisions of the accreditation scheme made under the *Building Professionals Act 2005* (the Act) for accredited certifiers.

Introduction

The accreditation scheme was gazetted on 2 February 2007 and commenced on 1 March 2007. The scheme was developed with the assistance of a working party consisting of representatives from the certification industry, building industry, local government and union organisations. The steps taken to develop the scheme will be outlined in *Consultation report: draft Building Professionals Regulation and draft accreditation scheme*, which will soon be available at www.bpb.nsw.gov.au.

What are the objectives of the scheme?

The scheme:

- establishes the skills and knowledge requirements to be met by any person seeking to be accredited as an accredited certifier (these are called performance criteria)
- sets out the qualifications and experience requirements to obtain accreditation
- sets out the assessment process for determining whether an applicant has the required performance criteria
- establishes a code of conduct to which accredited certifiers must adhere
- provides a program that sets out the annual requirements for continuing professional development for certifiers once they are accredited.

The scheme needs to be read in conjunction with the Act and the Building Professionals Regulation 2007 (the Regulation). Together with the scheme, the Regulation and the main provisions of the Act commenced on 1 March 2007.

Administering the scheme— Building Professionals Board

On 1 March 2007, the authorisation of the existing accreditation bodies (Department of Planning, Engineers Australia, Planning Institute of Australia and Professional Surveyors' Occupational Association) ceased and the Building Professionals Board (the Board) became the only accreditation body in NSW.

The Board administers the scheme. It accredits persons in accordance with the requirements in the scheme to enable them, among other things, to certify plans and inspect and certify construction work as it occurs, depending on their areas and levels of expertise and resulting category(s) of accreditation.

Key provisions of the scheme

Unless otherwise specified, references to clauses in this section of the circular are references to clauses in the scheme.

Categories of accreditation [clause 6]

The Regulation allows the Board to issue certificates of accreditation in 21 different categories. The Regulation also specifies the authority conferred by each category and the types of certificates that may be issued.

The categories of accreditation are summarised in Table 1 of the scheme.

Applicants can apply for accreditation in one or more categories.

Accreditation criteria [clause 7]

Applicants for accreditation must demonstrate they meet a number of criteria to achieve accreditation with the Board:

- core performance criteria
- specialty performance criteria
- a specialty qualification
- relevant recent practical experience.

Under the Act, if the Board is not satisfied an applicant has the qualifications, skills, knowledge and experience required by the scheme, the Board may refuse to issue or renew an accreditation. Alternatively, the Board may decide to issue or renew an accreditation in a different category to that applied for and/or may impose conditions on the accreditation.

Core performance criteria [Schedule 1]

All applicants for accreditation must have all of the core performance criteria set out in Schedule 1 of the scheme. The core performance criteria consist of the following:

- core knowledge criteria (matters all certifiers must know and understand)
- core skills criteria (activities all certifiers must be able to do)
- core underpinning knowledge (legislative and other provisions all certifiers need to know).

Specialty performance criteria [Schedule 2]

The specialty performance criteria an applicant must have depend on the category of accreditation they seek.

Schedule 2 of the scheme contains an accreditation statement for each of the 21 categories of accreditation. Each accreditation statement identifies the specialty performance criteria, specialty qualification and experience necessary for the relevant category.

Like the core performance criteria, the specialty performance criteria consist of specialty knowledge criteria, specialty skills criteria and specialty underpinning knowledge.

Specialty qualification requirement [clause 9 and Schedule 3]

The scheme requires applicants to have a qualification that is identified in Schedule 3 for the category of accreditation they seek.

Where an applicant does not have a required qualification, they can instead demonstrate they have a qualification that achieves learning outcomes that address the specialty performance criteria for the relevant category of accreditation. Learning outcomes mean the results or consequences of participating in or completing the process of acquiring knowledge, attitudes or skills from study, instruction or experience.

Experience requirements [clause 10 and Schedule 2]

Applicants must have the experience set out in the relevant accreditation statement in Schedule 2 of the scheme. The required experience relates to the category of accreditation and the experience must be recent and practical.

If an applicant seeks accreditation in more than one category, the applicant does not need to demonstrate they have the total number of years of experience required for each category where the relevant experience can be obtained concurrently.

Relevant experience can be obtained by an applicant for one category while they are gaining the experience required for a related category. The related categories of accreditation are set out below.

Related categories of accreditation

A1 Accredited certifier – building surveying grade 1
A2 Accredited certifier – building surveying grade 2
A3 Accredited certifier – building surveying grade 3

B1 Accredited certifier – subdivision certification
C1 Accredited certifier – private road and drainage design compliance
C2 Accredited certifier – private road and drainage construction compliance
C6 Accredited certifier – subdivision road and drainage construction compliance

C3 Accredited certifier – stormwater management facilities design compliance
C4 Accredited certifier – stormwater management facilities construction compliance
C14 Accredited certifier – building hydraulics compliance
C15 Accredited certifier – stormwater compliance

Where an applicant considers that a category of accreditation is related to another category (other than one of the related categories listed above), the applicant may provide evidence to the Board to demonstrate the categories are related. The Board will determine whether the categories in question are related categories of accreditation for the purposes of the experience requirements.

Application for accreditation [clause 11]

Applicants must complete and lodge an application in the approved form with the Board, together with any required supporting documents and information. The Board may require further documents or information to be provided if the Board considers it necessary in order to determine the application.

The Board's approved application form for new accreditations will soon be available at www.bpb.nsw.gov.au.

Assessment for accreditation [clause 12]

When applying for accreditation, applicants must provide evidence to the Board that they satisfy the accreditation criteria identified above (core performance criteria, specialty performance criteria, specialty qualification and experience requirement).

Satisfying the core performance criteria [clauses 12.6 to 12.18]

Under the scheme, applicants can demonstrate they satisfy the core performance criteria in one of several ways:

- successfully completing the Certification Short Course provided by the University of Technology, Sydney as approved by the Board, or its equivalent, in the six months before submitting an application for accreditation to the Board, or
- passing a written accreditation exam set and marked by the Board, or
- as an alternative to the exam, satisfying an alternative means of testing (such as an oral examination, interview, practical demonstration of the applicant's skills or assessment of a portfolio of the applicant's work) where the Board is satisfied the applicant has a medical, physical or other condition that would prevent them from being able to fairly demonstrate their knowledge and skills by taking the exam.

Satisfying the specialty performance criteria [clause 12.19]

The Board will assess whether an applicant has satisfied the specialty performance criteria on the basis of the application form and information provided as requested by the Board.

The application form to apply for accreditation will set out the evidence that applicants need to provide for the category in which they seek accreditation.

Satisfying the specialty qualification requirement [clauses 12.5 and 12.20 to 12.23]

The application form will require applicants to attach a certified copy of the qualification they hold as identified in Schedule 3.

Where an applicant does not hold a recognised qualification, under the scheme the applicant can show they have a qualification that achieves learning outcomes that address the specialty performance criteria for the relevant category of accreditation. This can be done by the applicant having:

- another qualification that includes units which achieve those learning outcomes, and/or
- knowledge and skills gained through their experience, work, training and/or study which achieves those learning outcomes.

It is up to the applicant to demonstrate they have a qualification that achieves the required learning outcomes.

Exception—category C5 [clause 12.5]

Where an applicant seeks accreditation in category C5 (Accredited certifier – subdivision and building (location of works as constructed) compliance), there is only one way the applicant

can satisfy the specialty qualification requirement. The applicant must be registered as a land surveyor under the *Surveying Act 2002* by the NSW Board of Surveying and Spatial Information (BOSSI).

Applicants do not, therefore, have the option of demonstrating that they instead have a qualification that achieves learning outcomes that address the specialty performance criteria for category C5.

An applicant who is registered by BOSSI is taken to have the specialty performance criteria, specialty qualification and experience requirements for this category and no further assessment is required of the applicant in relation to these requirements.

Satisfying the experience requirement [clause 12.24]

As with satisfying the specialty performance criteria, the Board will assess whether an applicant satisfies the experience requirement on the basis of the application form and information provided as requested by the Board.

Other ways of satisfying the accreditation criteria [clauses 12.3, 12.4 and 12.25 to 12.26]

If the Board is not satisfied the applicant meets the accreditation criteria on the basis of the documents and information the applicant has provided, the Board can require the applicant to provide further written evidence, attend an interview, undertake an oral examination or provide a demonstration of the applicant's skills.

Applicants who seek accreditation in categories C1 to C4 and/or C6 to C16, inclusive, do not need to demonstrate the specialty performance criteria, specialty qualification or experience requirements for the relevant category if they have a current certificate of registration on the National Professional Engineers Register (NPER). Such applicants are taken to satisfy these criteria and do not need to be further assessed by the Board.

Help in applying for accreditation

A guide to help applicants complete their application and identify the information they need to provide will soon be available at www.bpb.nsw.gov.au. The guide will also provide explanations of each performance criterion set out in the scheme.

Obligations on certifiers once accredited [clause 13]

The scheme makes clear that accredited certifiers are subject to the following obligations:

- they can only carry out the functions and issue the certificates set out in Schedule 1 of the Regulation for their category(s) of accreditation
- they must at all times comply with any restrictions set out in the Regulation for their category(s) of accreditation

- they must comply with any conditions imposed on their accreditation by the Board or by the Administrative Decisions Tribunal.

Code of conduct [clause 14 and Schedule 4]

Schedule 4 of the scheme sets out the code of conduct that applies to all accredited certifiers.

The code contains 13 requirements and certifiers must comply with each of those requirements. The requirements cover such matters as acting in the public interest, protecting and using information, acting within the certifier's competence, gifts and benefits and bias.

The *Code of conduct: a guide* provides guidance to certifiers on the meaning and scope of the requirements in the code and how to comply with them. The guide is available at www.bpb.nsw.gov.au.

The Board may refuse to issue or renew a certifier's accreditation if they have contravened the code. A certifier may also be found guilty of unsatisfactory professional conduct under the Act by the Board, or of unsatisfactory professional conduct or professional misconduct by the Administrative Decisions Tribunal, for failing to comply with the code of conduct, whether by an act or an omission.

Continuing professional development [clause 15 and Schedule 5]

Once they are accredited, certifiers are required to keep their skills and knowledge up-to-date by complying with the Board's continuing professional development (CPD) program set out in Schedule 5 of the scheme.

The CPD program consists of two elements. Certifiers must:

- complete two courses each year that are approved by the Board
- satisfy the requirements of the CPD program of their professional association or its equivalent.

The first requirement is designed specifically to keep certifiers' knowledge of legislative requirements and their professional practice skills current. The second requirement is designed for certifiers to keep their underlying technical skills current, eg engineering, building surveying, land surveying.

Details about the CPD program are set out in the Board's *Info sheet 7: Continuing professional development*, revised March 2007, available at www.bpb.nsw.gov.au.

The Board can refuse to renew a certifier's accreditation if they have not satisfied the requirements of the program.

Additional training [clauses 15.2 and 15.3]

The scheme also allows the Board to require certifiers to undertake further education or training courses. The Board can require all certifiers or only a group or groups of certifiers to undertake a course. For example, where changes are made to

the Building Code of Australia that are relevant only to some certifiers, the Board can require only those relevant certifiers to undertake training on those changes. These types of changes would not be covered in the Board's CPD courses as they do not apply to all certifiers.

The Board must give written notice to the certifiers to require them to undertake such additional training.

Transitioning existing certifiers into the scheme

Both the Act and the Regulation contain transitional provisions for certifiers who held an accreditation from a former accreditation body as at 1 March 2007. Planning Circular BS07-004 sets out the transitional arrangements for existing certifiers, and is available at www.bpb.nsw.gov.au.

Further information

The *Building Professionals Act 2005* and *Building Professionals Regulation 2007* are available from the Parliamentary Counsel's Office website at www.legislation.nsw.gov.au. An outline of the Act is given in *Building Professionals Board Act 2005: a guide* and an outline of the Regulation is given in Planning Circular BS07-003 *Building Professionals Regulation 2007*. Both documents are available at www.bpb.nsw.gov.au.

The *Code of conduct: a guide* (revised March 2007) and *Info sheet 7: Continuing professional development* (revised March 2007) are also available at www.bpb.nsw.gov.au.

Help in applying for accreditation will soon be available in a guide issued by the Board. Application forms to apply for accreditation will soon be available at www.bpb.nsw.gov.au.

Authorised by:

Kim Cull
Executive Director
Corporate Governance and Support Services

Important note

This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

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