Expanding the accreditation system to include council accredited certifiers ensures minimum standards are set for all certifiers, whether they are employed by a council or in the private sector. It brings the NSW building certification system into alignment with other States, ensures NSW is ready to meet national licensing reforms and helps improve the safety and quality of buildings.

These changes formally recognise the knowledge, professionalism and skills of council building certifiers. They provide the public with greater consumer protection as all certifiers now work to an independent standard and with the same accountability to one oversight body.

What are the elements of the accreditation system?

- Existing accreditation Categories A1, A2 and A3 apply to council accredited certifiers and a new Category A4 for building inspectors was added.
- Council accredited certifiers can only undertake work on behalf of a council.
- Councils can consider an expanded range of qualifications and experience when recommending a council building certifier for accreditation.
- Applications by individuals can only be made with the recommendation of a council.
- Initial accreditation is free and renewals to March 2013 cost $250.00.
- A three year transition period to March 2013 will provide time for council staff to become accredited.
- Council accredited certifiers can carry out work on behalf of other councils in NSW.
- Council accredited certifiers need to undertake a Continuing Professional Development (CPD) program.
- Council accredited certifiers will be subject to the Building Professionals Board’s disciplinary procedures.
- Councils must keep all documentation relating to the certification work of accredited certifiers for 10 years.
- Existing civil liability protections under the Local Government Act 1993 remain.
- Council accredited certifiers can undertake certification work on developments where they have been involved in the assessment or determination of a related DA or CDC.

Why should I be accredited?

Accreditation of all people carrying out certification work - whether working in the private or public sector - ensures building and subdivision work meets national standards and that buildings are fit to use and occupy.

The NSW Government is keen to ensure there is competition across the State in relation to the certification industry and that all consumers have sufficient access to certifying authorities to have their construction work certified.
Accrediting council certification staff was raised by the Campbell Inquiry into the Quality of Buildings in 2002 which recommended increasing the Government's role in regulating builders and other practitioners in the building industry.

In July 2008, the Council of Australian Governments (COAG) agreed to develop a national trade licensing system as part of its agenda to increase Australia's productivity and provide the environment for a seamless national economy.

The accreditation of council building certifiers is the NSW Government's response to these reviews.

For what functions do councils need council accredited certifiers?
Councils need council accredited certifiers to issue complying development certificates, construction certificates, occupation certificates and compliance certificates and to undertake inspections of building work.

Certification work involving subdivision work or strata, or the issue of compliance certificates, complying development certificates or other Part 4A certificates not in relation to building work, do not need to be carried out by an accredited person.

Why isn’t the council accredited, rather than individual staff?
At least five other states accredit council officers not councils. The accreditation of officers on an individual basis will ensure that no matter which individual carries out the certification of building work, the community can be assured of the outcome.

What does this mean for relevant council officers?
Council accredited certifiers can carry out work on behalf of any council in NSW but cannot undertake work in a private capacity. Any accreditation work carried out on behalf of a council must accord with the EP&A Act and EP&A Regulation.

Council accredited certifiers must operate within the limitations of their category of accreditation (Categories A1, A2, A3 or A4) and subject to any specific conditions of accreditation.

They are obliged to meet the 13 requirements of the Code of Conduct of the Building Professionals Board’s Accreditation Scheme. The Code of Conduct presents the principles to guide the behaviour, standards of conduct and professionalism expected from accredited certifiers when undertaking certification work. This Code is in addition to the Code of Conduct under the Local Government Act 1993 and applies only to certification work.

Council accredited certifiers must undertake a Continuing Professional Development (CPD) program and are subject to the Board's disciplinary procedures.

Council accredited certifiers can undertake certification work on developments where they have been involved in the assessment or determination of a related DA or CDC.
However, it is considered a conflict of interest if the certifier is involved in determining an application for a Part 4A certificate or CDC in relation to an aspect of development where council is acting as a certifying authority if

- they are involved in the design of or carrying out of work on that aspect of the development;
- they are the applicant or related to the applicant*;
- they are related to anyone involved with the design or construction of that aspect of the development;
- they have a financial interest in any aspect of the development.

* Amendments to the BP Regulation exempt accredited certifiers who carry out certification work on behalf of council from this provision where the applicant for the work is an employee of the council, or where the council is the applicant for the work. This exemption will apply for a limited period to allow the Board to carry out further consultation with councils.

What happens if a council does not have accredited persons to do work on its behalf?

Any building certification work undertaken on behalf of councils must be undertaken by an accredited certifier. Councils have a number of options to comply with this requirement. They can

- employ council accredited certifiers;
- engage a contractor who is accredited as a council accredited certifier;
- engage an external accredited certifier from the private sector;
- engage an accredited body corporate;
- engage a council accredited certifier from another council; or
- a combination of these.

What happens during the transition period?

During the three year transition period to March 2013, council accredited certifiers can apply for a higher level of accreditation through the same process. No fee will apply.

Council accredited certifiers accredited in the transition period are not required to be assessed against the Accreditation Scheme at the end of the transition period. Provided they renew their certificate each year, council accredited certifiers can continue to work under their certificate of accreditation subject to the prescribed condition that they only carry out certification work on behalf of a council.

For information, call 1300 001 619.

Also available:
Applications for accreditation: Q&A
Conflicts of interest: Q&A
Continuing Professional Development for council accredited certifiers
Legislative requirements: Q&A
Responsibilities for council accredited certifiers
Responsibilities for councils
Transitional period
Transitional arrangements