

THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON ACCREDITATION OF BUILDING PRACTITIONERS MET IN COMMITTEE ROOM 2, PARLIAMENT HOUSE, HOBART, ON TUESDAY 19 AUGUST 2008

Mr PETER JOHN FRANCIS SCOTT, Mr RICHARD BRUCE BARTON, Mr NEAL ROBERT MACKINTOSH AND Mr JAMES WILLIAM JONES, PRESIDENT, AUSTRALIAN INSTITUTE OF ARCHITECTS, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIR (Mr Harriss) - Welcome, gentlemen. It has been a long time since we sat here taking evidence with regard this committee. I think it was about November 2006 when we were officially benched pending the outcome of some criminal trials and with those having concluded, we can get back into harness, so we are intending to that. This is the first session of taking evidence with regard term of reference 2 and the select committee.

As has been the case in the past when these hearings have been conducted, or any hearing of a select committee, if there is any time during the proceedings that you feel a need to provide evidence in camera, then you are at liberty to make that submission to the committee; we will consider your submission and determine whether there is such a compelling case to be heard in camera and proceed accordingly.

We have your submission and we are in your hands if you want to expand on that. It is important for the public record always to get some evidence, rather than our saying we have a report so there is that opportunity for interaction between you and us. Who is going to lead the charge of the group?

Mr JONES - I will do that and then probably pass over to Richard and Peter. Neal can answer questions.

CHAIR - Thank you.

Mr JONES - Thank you for your invitation to come to the table. As you are aware, our profession is governed generally by two acts. Obviously there are other acts that affect them but we fall under the Architects Act and the Building Act, if you like. The Architects Act 1929 has quite a clean record and the Building Act 2000 has been through an interesting process. We would like to think that we are on the other side of that, and we would certainly like to be involved in improving both, Building Act, the Architects Act and how they interact.

We have put on paper minor changes to the Building Act 2000 and the Architects Act 1929 so that architects registered in this State, under the Architects Act, are automatically deemed to be building practitioners under the Building Act. That is the principle we are interested in achieving and also to rectify what the profession has identified as deficiencies in both the Architects Act, because it is old and needs some updating, and also having eight years with the Building Act in terms of where it started

and has had a chance to bed itself down. We have put quite a bit of work through our legal counsel, Richard Barton, who is looking at the commission, if you like, of those two things.

The other interesting thing in terms of the Building Act is that I think there is a public perception that it is generally is for builders. I guess that goes to part 2 of your terms of reference, in terms of Document Framework for the Accreditation of Building Practitioners and Administration of the Building Act, including the appropriateness of all consequential costs imposed on builders. We would assume you would include building practitioners in that because there are a lot of other disciplines that are affected by the Building Act, so we wanted to clarify whether that was the case. That is a rhetorical question but I think it does indicate that there is a public perception. There may well be a legal perception there that this act is only for builders and of course it is not. I do not want to dwell on that, I just thought we would point that out as a rhetorical question.

Mr WILKINSON - Are you saying there should be a name change of the act itself? If so, what do you believe is the appropriate one - Architects Act?

Mr JONES - No. I suppose building and construction embraces a whole lot of professions and people in the trades, the administration and business that the Building Act affects - it is not just the house builder.

Mr WILKINSON - Sure. So you believe the most appropriate name for it would be building and construction act.

Mr JONES - Possibly. It is a perception that we do notice and I think it is embedded in your terms of reference. We assumed that it was probably an oversight.

Mr WILKINSON - What about other States?

Mr JONES - Richard could probably answer that.

Mr BARTON - I would not like to be quoted on exactly what they are called but they are variously described as things like the building practitioners' acts or the construction industry act, or something like that. In other States there are also building acts that are separate to other acts which regulate practitioners so it is not quite parallel, but certainly calling an act the Building Act and then having it regulate all sorts of other things does create a confusion, I think.

CHAIR - In addition to that, James, you are making the point about our terms of reference, the fact that it could be construed that that term of reference is restrictive in that it talks only about the consequential cost imposed on builders, not the consequential costs on building practitioners.

Mr JONES - I think that is what the wording was intended to mean, so we do not want to make an issue of that.

CHAIR - No, you are right.

Mr JONES - The terms of reference of this committee are reflected in the perception problem - if you want to make it a problem, I suppose, it is more like a cultural thing.

CHAIR - Yes, that is accepted.

Mr JONES - The Australian Institute of Architects is a national body and any change to the Architects Act and its relation to the Building Act also has implications in relation to accreditation. Architects acts and architects' boards around Australia are tied to what is called the Architects Accreditation Council of Australia - and you will hear more about that from the Registrar of the Board of Architects at the next hearing - where there is a process of establishing and maintaining competency standards for the education and registration of architects.

We have also developed a joint Australian Institute of Architects and Accreditation Council code of conduct and also a continuing professional development policy so I guess all these things are tied together. Currently the Architects Accreditation Council of Australia is comparing legislation across the States so we do not keep on making railway tracks that change gauge every time we cross a boundary, and we are involved in review of our own act in that context.

Mr WILKINSON - In other States, do they have to be registered under both the building construction act, or whatever it might be called interstate, as well as the Architects Act?

Mr JONES - Probably the cleanest one that we can give you an example of is Victoria where all architects are registered under the Architects Act but they are deemed to be building practitioners. Richard might want to comment on that.

Mr BARTON - That is probably the easiest example. That model has been followed virtually everywhere else except Tasmania, if I could put it that way. Simply put, there are architects acts and whenever there is an interaction with the building permit process, then there is a deeming provision that says that an architect is effectively a building practitioner for that purpose.

Mr WILKINSON - It would seem to me to be an appropriate way of dealing with it because why, if you go through five years' study and thereafter the two years before you can get out on your own, should you then have to tick the boxes under the Building Act? But I hear what you say.

CHAIR - What success have you had with representations to Workplace Standards with regard that proposition?

Mr JONES - We have had support from the Minister for Justice, and through the Director of Building Control, an agreement to proceed with a review of the Architects Act in this context. That happened after we submitted the paper to your committee, so I guess it is important for you to know that that is occurring.

CHAIR - Isn't it more a need to amend the Building Act rather than the Architects Act so that the Building Act has that deeming provision in it?

Mr JONES - That is correct but there are also some matters in the Architects Act that are out of date, to do with professional indemnity insurance, codes of conduct and continuing professional development. On all those fronts the act is silent and so there is some machinery there that needs to be cleaned up.

CHAIR - While the act might be silent, your practices and your codes of operation in fact clearly build in CPD and other matters.

Mr JONES - They do but only through the Building Act and only through building practitioners who are accredited under the Building Act. There are quite a number, probably a third of architects who are registered in this State who are accredited through the Building Act so therefore there is a loophole where they don't even have to do any CPD.

Ms FORREST - If that was the case, would they have problems re-certifying or re-registering with the architects' board? If they chose not to do any CPD, and I understand the loophole you have pointed out there, wouldn't there be a check and balance within your organisation that would see them spoken to about that at least?

Mr JONES - Just to clarify, the Institute of Architects does not register architects, it is only the board that administers the act; they are two very different things.

Mr BARTON - I was going to make much the same point. The board is not the institute. The institute may well have its requirements for CPD but at present the Board of Architects of Tasmania does not because the Architects Act does not provide for CPD, and that is one of the amendments that we would want to see happen. Certainly the institute's policy is that all architects should be subject to CPD.

Ms FORREST - If the Architects Act is amended to reflect that and remove that loophole, then there would need to be some further changes in the Building Act, wouldn't there, to ensure that you were not required to go to another nth degree under that act as well? Hence the Chair's comments about the changes to the Building Act.

Mr BARTON - That is right. We see that effectively if you have an architects act and a building act and you have the deeming provision that says if you are accredited under the Architects Act then you are deemed to be accredited under the Building Act, then the two functions can be separated quite simply and the Architects Act does all the things that the Building Act attempts to do for architects -

Ms FORREST - But does not currently?

Mr BARTON - Presently it does not do that because you do have a dual requirement to have a foot in both places.

Mr SCOTT - There is a national suite of architects acts in every State and Territory and the reason that we are focusing on a revision of the Architects Act is partly because of the need for the ability to have mutual recognition between States. They are generally done on the basis of recognition of architects under the Architects Act. So it makes it easier for architects to operate in all States and Territories if we take the step to amend the Architects Act.

Ms FORREST - So in the other jurisdictions' architects acts, those CPD requirements are within those acts?

Mr SCOTT - In fact all acts except the Tasmanian Architects Act have been updated to reflect those contemporary expectations.

Mr BARTON - I should correct that for the record.

Mr SCOTT - I would appreciate it if you would.

Laughter.

Mr BARTON - Perhaps I could put it this way. All the State and Territory architects acts except for South Australia, which is undergoing a stop-start review process at the moment, have been amended or upgraded within the last 10 to 15 years, as James pointed out. The totality of that review is varied and in respect of CPD there are, I believe, three States and Territories where it is required and others are promising to follow suit very soon. Generally speaking, the intention has been that CPD would become compulsory Australia-wide and that is certainly the policy of both the institute and the Architects Accreditation Council of Australia, which is the collection of awards. So it is not there yet but -

Ms FORREST - It is a work in progress.

Mr BARTON - it is a work in progress and it has wide support.

Mr DEAN - When the Building Act 2000 was completed, how much consultation was there with you people and the architects in the putting together of that act when we have this current foot-in-both-acts position?

Mr BARTON - I think it would be fair to say there was very little consultation with the Institute of Architects.

Mr MACKINTOSH - If I might follow up on that, it was just prior to my term as president of the institute. My recollection is that there was very little interaction with the institute.

Mr BARTON - I was looking at *Hansard*, as I am sure you people do regularly.

Mr WILKINSON - Just prior to going to sleep.

Laughter.

Mr BARTLETT - I noticed in the debate following the Minister for Infrastructure, Mr Lennon's, second reading speech there was discussion about how the Building Act was addressing the question of accreditation of architects. One of the members, I do not recall who it was, asked wasn't there something like an architects act and how was that going to work for the accreditation of architects, engineers and others. The minister's response, if I could paraphrase it, was something like, 'Well, let's just get the act through

and we'll sort that out later'. I guess what we would like to say is that it is eight years later and we still have not sorted that out. We ought to try to do that.

Mr WILKINSON - As you know, in law what happens if you do not do your CPD is that you have to pay higher professional indemnity insurance. Do you deem it to be that way with the Architects Act or, alternatively, unless you do your CPD you can't be registered the following year or the year after?

Mr BARTON - The latter.

Mr SCOTT - It would be a mandatory expectation at the institute.

Mr BARTON - There is no point in having a requirement for CPD unless you have some sort of enforcement.

Ms FORREST - And imposing a higher insurance is not considered an appropriate measure?

Mr SCOTT - That is a matter for commerce to decide, so that might not be a defined tool to achieve that end.

Mr JONES - Bearing in mind that for a reasonable-sized practice in Tasmania with \$5 million cover it would be about \$18 000 per annum. For \$10 million it would be about a \$27 000 premium. It is interesting ground to go into. I think one would want to administer the act and the CPD in a better way than the stick approach.

Mr BARTON - It is probably not the right place to go into this, but insurance for architectural practices is a very expensive proposition relative to other professions.

Mr JONES - What we see as imperative is a national consistency in the retention and strengthening of the Architects Act and the Building Act to work together. I guess since the review of the Architects Act has commenced we have drawn your attention to the anomalies and weaknesses in the current Building Act, or what we think they are, given that we work in the field, and the merits of amending each act so that they are more harmonious together, and the need for your committee to support the review of the Architects Act in the legislation. We would seek that as an outcome. I will now hand over to Richard, if he wants to raise any other matters that we haven't discussed already or that aren't in the paper.

Mr WILKINSON - Architecture to me seems a very long course. You are looking at five years at university, you get your pre-qualification - Bachelor of Environmental Science - before you become a Bachelor of Architecture. That is five years and then you have another two years before you are allowed to be released onto the community by yourself. You are looking at seven years, as opposed to medicine which is six years as opposed to law. It used to be six years and is now down to four-and-a-half years with the four-year course. Maybe you have to do another part course as well - probably five years plus six months legal practice course down here. Tell me if I am wrong but architecture is a course that is about a year to a year-and-a-half longer than any other course. Is that Australia-wide and should it continue? If so, why should it continue?

Mr JONES - It is generally two degrees. It is a time-honoured profession.

Mr WILKINSON - I have just had a boy go through it.

Mr JONES - We have all gone through it and you effectively start going grey before you finish it. It is time-honoured and it takes a long time to effectively embrace the full gamut of what you are dealing with. I think internationally probably four to five years is fairly consistent.

Mr BARTON - Architecture is basically a tertiary degree course everywhere, and that is probably almost worldwide. Five full-time tuition years is pretty much a standard.

Mr WILKINSON - It has changed, though, hasn't it. In the 1970s in Melbourne it was a four-year course.

Mr BARTON - No, that is not correct. I have some experience with this, being both a registered architect in Victoria and a lawyer. The Melbourne University course in the 1970s that I did was five years full-time, with a year in the middle of practical experience.

Mr JONES - The other thing that might assist that understanding is that we don't do a lot of individual houses and the perception is that architects design a lot of houses. We design probably 5 per cent of single houses in Australia. We do a lot of the other stuff, a lot of complex things. Some projects take five to 10 years.

Mr DEAN - It is undertaken by home designers mainly now, is it?

Mr JONES - Traditionally, project housing in Australia isn't highly designed. It is stamped out or, rather, repeated.

Mr WILKINSON - We are probably off the point but it was a situation I have noticed for quite some time.

Mr JONES - We are not advocating changing that. I think from the experience of being in the industry for a number of years, it does take time to grapple with everything.

Mr WILKINSON - It is not a case like with a number of other courses where you have two days' contact hours and three days' twiddling your thumbs; it is pretty full on, isn't it?

Mr JONES - The registration process is very focused on recording experience as opposed to just knowing things. There is a body of knowledge there but it is really the experience to know how to apply it.

CHAIR - Clearly the message coming through all of that is the unnecessary, in your view, duplication of assessment, registration or accreditation and the fact that you have to go through a number of processes for purposes of registration as an architect but then a further assessment, and some would contend not at such a high level for the accreditation as a building practitioner.

Mr BARTON - I am not sure we want to go there, but some others might.

Laughter.

Mr BARTON - I guess the point that could be made is that we are also talking about paying the fees in two places.

CHAIR - And the possibility of two levels of discipline in the event of a misdemeanour.

Mr BARTON - Exactly. That is what I was about to get to. We have covered some of the ground, so I will try not to repeat anything. The terms of reference for this committee are the optimum means of accreditation but surely that means that accreditation of building practitioners should be both efficient and effective. Basically we are here because it isn't for architects, as you have heard. According to the board, there are about 325 registered architects in Tasmania. Some of those would not be Tasmanian residents, but probably not a great number. At the moment, because of the requirement in the Building Act for a building permit to be obtained by someone who is accredited under the Building Act, and there being no exemption for architects from that, we have around two-thirds of that number who are accredited under the Building Act and another third perhaps who are not accredited under the Building Act but are still registered under the Architects Act. But all of them fall under the Architects Act. You have the whole body registered as architects but only two-thirds are under the Building Act. In terms of the pillars of the Building Act, which I will describe as disciplinary procedures, CPD and insurance, we have one-third who are disciplinable only under the Architects Act and another two-thirds who are disciplinable under both. Then we have all sorts of confusion about which body a consumer goes to. Does a consumer go to both when there is a problem or do they go to one or the other? Surely that is not very efficient or effective?

With compulsory professional development, or the CPD, we have two-thirds subject to that under the Building Act and the other third who do not presently have any requirement for CPD. Without some form of amendment you have architects dealing with the public who are objectively not up to the standards of current knowledge because that one-third has not been required to keep up to date. Of course, many of them are going to be up to date because they are going to be members of the Institute of Architects and they're going to go to all of those things and do the right thing. But in terms of regulation, we have a hole that they have fallen into and that can't be efficient either.

Then we get to insurance. We have two-thirds of those registered architects who are required to be insured under the Building Act and the other third presently are not. Many of that one-third are going to be employees of architectural practices so they are going to be covered by the insurance the practice has but again, from a regulatory point of view, that is inefficient because we don't know how many of that one-third are not covered. All of this arises because you have duality: an architects act and a building act.

Ms FORREST - As a consumer, if I was looking at getting an architect-designed development, not just a house but something a bit bigger, when I made inquiries about engaging an architect, do you believe there would be a perception in the community that those who are accredited under the Building Act are better architects or do people not see the distinction? Is that creating confusion? How is that affecting the architects themselves?

Mr BARTON - Perhaps these three gentlemen could explain this better, but there are probably several ways of deciding on an architect. One is because you have heard about one from someone else.

Ms FORREST - Word of mouth is probably the best advertising.

Mr BARTON - That is probably the best way, or there is something you have seen in a magazine and you liked it, but then potentially you do go to the Architects Board where you would find all the registered architects. Conversely, as you say, you could go to the -

Ms FORREST - Workplace Standards.

Mr BARTON - Yes, and you will get another list. It depends on what you want done. Let us say you want your house designed and a building permit obtained, then effectively you have to go to the accredited building practitioner architects under the Building Act. But if you do not know that, you could well go to someone who is not accredited and then discover that they are not entitled to get your building permit.

Ms FORREST - So I could engage someone -

Mr BARTON - Potentially there is that confusion.

Ms FORREST - I could engage someone who is certified under the Architects Board and get all my plans drawn up for a \$50 million project and then the approval will be knocked back because that person is not registered under the Building Act? Could that happen?

Mr BARTON - Someone not currently registered under the Building Act, that is correct.

Mr JONES - You would have submit the proposal under somebody else's name. An accredited building practitioner would have to submit the scheme to the local authority.

Mr BARTON - It is not insurmountable, but another layer of confusion. Practically not insurmountable, but another layer of confusion, arising again from that duality of regulation.

Mr SCOTT - It would provide some clarity to the consumer if they knew that there was one comprehensive list that covered all architects.

Ms FORREST - But then, any plans that are put in would be treated the same, regardless of who the architect is.

Mr SCOTT - The advantage of the Architects Act is that it covers registered architects, so everyone is already covered, but the scope of their coverage is inadequate to cover mandatory CPD and mandatory profession indemnity insurance.

Ms FORREST - Unless that is changed?

Mr SCOTT - Yes, and that way, if you as a consumer were to approach the Board of Architects and say, 'I am going to do a \$50 million development, give me your

comprehensive list', you know that all the architects you are going to get the names of are able to do it and able to take it right through to completion, which is a situation that is currently not easy to achieve.

Mr BARTON - Our position is that there is a fix for all of this and it is quite simple. The amendments to the Building Act that would be required to do this are quite simple. We have outlined them in this paper which you all have. I do not propose to go through that. The amendments to the Architects Act that would have to happen in parallel in order to bring on compulsory insurance and compulsory CPD are simple. Already in the Architects Act there is a provision for the minister to approve a code of conduct. So, to strengthen and bring the Architects Act in line with the rigour, if you like, of professional conduct rules under the Building Act is a simple matter as well. I am sure Mr Harper will outline this later on, but there is a simple off-the-shelf code of conduct which has the full support of both the national accreditation body and the Institute of Architects, which could be adopted figuratively, at the stroke of a pen. The fix is quite a simple one. It is just a matter of some simple amendments to both those acts. That is probably all I need to say.

CHAIR - Thank you.

Mr DEAN - Have those amendments been flagged to the Government and to the authorities? Did you refer to us in that?

Mr JONES - Yes, they were put in draft form to the Minister for Justice 12 months ago.

Mr DEAN - What has happened as a result of that?

Mr JONES - Initially there was some reluctance to address the matter and then, more recently, the support of the minister to embark on the review of the Architects Act in that context. So we do have support now from the minister.

CHAIR - A different minister?

Mr JONES - The change seemed to occur at the end of Mr Kons's period.

Mr WILKINSON - Therefore, as far as this committee and the recommendations of this committee are concerned, you would like to see a review into the Architects Act that would centre on the matters that you have discussed with us today in the hope that it can be amended to encompass what you have committed to now.

Mr JONES - The review has commenced. There are round-table meetings between the Board of Architects, the Institute of Architects and Workplace Standards to tease out all the issues in detail.

Mr WILKINSON - Can I ask how they are proceeding? Reviews and inquiries like this one can start and stop for whatever reason or, alternatively, they can sit on the bench. All that happens is you make recommendations to Government and it is up to Government whether they take them up or not. Do you believe that it is appropriate that this committee, if it so decides, should recommend that these are the changes that occur? Or do you think there can be - and I am not being disrespectful at all - some belts and braces

on the amendments that are contained in this submission? Or has that has already been applied?

Mr BARTON - The specific amendments proposed in the submission have not been reviewed elsewhere. Presumably they would need to be.

Mr JONES - I do not think we would want to lock them in stone until they were written in without the knowledge that we were reviewing the Architects Act at the same time. I think in principle the answer is that we would like to do that in detail but obviously there would need to be some more writing.

CHAIR - With regard to Workplace Standards having responsibility for the accreditation of building practitioners, what is the experience of your organisation with regard to the process, since Workplace Standards has taken over from TCC? We do not need to go back into history as to the accreditation process that was in place at one stage. Have there been improvements? If so, to what extent? You have explained to us clearly the need to change and that you probably want to be out of that jurisdiction of the Workplace Standards accrediting architects and the duplication that imposes. Nonetheless, those of you who want to be accredited building practitioners are required to have accreditation through that process. What is your experience with the change?

Mr JONES - The fees have been significantly reduced, which is very positive. Under the TCC they were \$500. Under the new process they are about half that figure. The president and you might qualify this. I have not had a trail of institute members come to me to say that they are having trouble with Workplace Standards or there are issues there in relation to accreditation. I think the situation has improved. I think the dialogue with Workplace Standards has improved. In terms of putting this paper to the committee, I suppose it is more to do with the somewhat onerous task of having to record CPD, to put it through Workplace Standards without the full confidence that whoever is reviewing and auditing that information is connected with the architecture profession, so I guess we cannot really understand how that is done. It is outside the board.

Mr BARTON - In other words, confidence that there is an understanding of the profession in that review that is being done.

Mr JONES - This is the question that I guess we could further consider.

CHAIR - That is fine. With regard continuing professional development - and then Geoff Harper is going to give us some evidence with regard that process - the fact that a builder has access to training funds to facilitate CPD that he is required to do - what scrutiny of your CPD is undertaken by Workplace Standards currently?

Mr BARTON - I do not know.

CHAIR - You do not know?

Mr BARTON - No.

CHAIR - We can investigate that further elsewhere.

Ms FORREST - You made the comment relating to the cost, saying it is significantly reduced compared to the previous system. There has been a contention in other submissions that because, particularly for architects and professional bodies, there is a great degree of scrutiny of their qualifications, and they have to go through a very prescriptive process and you cannot short circuit it in any way. So when someone presents themselves as a registered architect, registered with the appropriate board, would it not be a simple process of just ticking the box and saying that yes, this person does meet the requirements? You could argue that the cost should be less for professionals such as architects and someone on whom they have to go back and check that everything has been done. I don't want to put anyone down here but a building-site manager or the building practitioner who is running the building of a house might need to do more checks to make sure they have done what they claim to have done. This is the body that does the checks and balances but with the architects there is a separate body and engineers too, I would suggest. They could argue that the architects make a lot more money so they should pay anyway. That is the perception out there in the public.

Laughter.

Mr BARTON - I think that you only need to look at the ownership - this is off the record -

Laughter.

Mr BARTON - of the number of launches in the dock owned by builders; they are not architects.

Mr SCOTT - But to cut to the core of the question, basically it should be a simple process to verify that an architect is of the adequate standard and therefore the cost of doing that -

Mr BARTON - Should be minimal.

Mr SCOTT - To take the words out of my mouth.

Mr BARTON - There is no money that comes back to the professional or the institute to run CPD from government.

Ms FORREST - So if that was something that was considered, you charge the same amount but then some of that is apportioned back to direct, guide and provide some of that CPD, is that an attractive option?

Mr JONES - We have put that in writing to Workplace Standards.

Ms FORREST - When did I you do that?

Mr JONES - A couple of months ago.

Ms FORREST - And have you had a response to that suggestion?

Mr JONES - No, not directly. But we have also been working through the Building and Construction Industry Training Board, arguing that some of the funds that come through building approval fees could be used for CPD for professionals. Under that process at

the moment only builders are allowed to get access to CPD funds that are generally administered by -

Ms FORREST - If everyone is paying the same fee you are saying that it would be fair that it should be available to a broader range of people that are accredited under the same process.

Mr JONES - If CPD was vested under the Architects Act there would have to be a different system in terms of being able to administer the CPD process and the fees may well go down for the Building Act and up for the Architects Act.

Mr DEAN - So are you saying that for the fees paid you are getting little return for them? Little return or no return?

Mr JONES - There is no return.

Mr SCOTT - What is being said is that if there is a flat rate fee across all accredited building practitioners, the body that is doing the accreditation has to do a lot more work to accredit someone, without disparaging, let us say a builder who does not have tertiary qualifications to verify that they are qualified to do a job, than to assess the accreditation credentials of an architect because that has largely been done through their registration under the Architects Act. It is not a thrust of our submission but it was something that Ruth has raised and that is a response to it.

Mr BARTON - If I could just add that it is a fair observation but ultimately what we are seeking to achieve is not a redistribution of funding; we are seeking to have the accreditation process removed to the Architects Act.

Mr DEAN - The question might be wrong but tell me if it is. What are the benefits and the advantages to the consumer out there of you being involved in the Building Act 2000? What added benefits and advantages are there to the consumer as a result of that dual act, the Architects Act and the Builders Act 2000? What does that provide?

Mr BARTON - This is just an opinion -

Mr DEAN - Yes.

Mr BARTON - but with my knowledge of what happens in the rest of Australia I would suggest very little. The notion that you have two acts operating where they are both trying to do the same thing but not quite, to me is of very little benefit to the consumer.

Mr SCOTT - The Building Act seemed to fulfil a short-term objective of getting architects covered by mandatory professional indemnity insurance and CPD, we are arguing, but at the cost of duplicity. So there is a duality in the legislation. What we would like to see is that duality cleared up by transferring the absence of CPD and insurance into the Architects Act so architects are covered there so that there is no need for the Building Act to cover architects in that way.

Mr DEAN - It seems to make sense to me and probably not to others.

Mr WILKINSON - Being fair dinkum about it, if you are an architect and you have been through your course and you have been registered as an architect, there is no architect that has not been accepted into the Building Act, is there?

Mr JONES - That's right.

Mr WILKINSON - I have heard of builders who have not been given registration because they have not fulfilled the specific requirements but it would seem to me, and taking on Ruth's point, if you are through your course, if you have been registered then really all it is is the Workplace Standards saying yes, that's fine, you are under the umbrella of the Building Act.

Mr JONES - We were not going to touch on this but I will. We might be sounding a bit reluctant and you might be thinking why aren't we going in harder on this and just moving it all across to the Architects Act. We have put these arguments to previous ministers and some senior public servants and the response in fact has been that there may be a big benefit in abolishing the Architects Act. That was put, I think, from a naive point of view -

Ms FORREST - They were suggesting abolishing the Architects Act?

Mr JONES - We have been threatened with the abolishment of the Architects Act in previous years, which we were astounded at and we had to fight very hard to turn that around, which we have done in the past.

Ms FORREST - Can I suggest for a moment that -

Mr WILKINSON - That's crazy.

Mr JONES - Of course it is, of course it is crazy but there is a reluctance at the table to, I guess, be too hard about this because we have been threatened in the past with abolishing the Architects Act and that is a fact.

Ms FORREST - So if you put the requirements for your CPD and your insurance and your discipline as well into the Architects Act or your code of conduct into the Architects Act then does that effectively mean - and this is the fear of the Government, I guess - that you then do not need the Building Act to ensure that architects are providing a safe and efficient and effective service because all those checks and balances are there. But you still need to be accredited under the Building Act and really it is just ticking a box; there is no checking CPD or anything because that is all done under the Architects Act and so how much does it cost to tick one box. So they ring up and ask whether Joe Bloggs is registered or accredited under the Architects Act and if they say yes, it is just a tick. Is that part of the problem; is that some of the reluctance, do you think?

Mr WILKINSON - It is called chip on shoulder.

Ms FORREST - Yes.

Mr JONES - I think that following the demands of construction in 1990 the State has been through a process of a generation of architects not being represented correctly at senior government level.

Ms FORREST - We are getting a State architect soon, aren't we?

Mr JONES - We have been working on that very hard and the appointment of a State architect is really as a result of Neal's work and the institute's work to re-educate the Tasmanian Government.

Ms THORP - Is it fair to say that the whole thrust of the building practitioners' route that we have been down is to get away from each of the different professions who have an input into building having their own governing body, their own CPD, own legal arrangements and insurance arrangements and to try to put them in under one umbrella? Is it fair to say that is what has been going on?

Mr JONES - No, that is not what has happened at all. The MBA and the builders have all their own - every organisation has its own member facility and own responsibilities in terms of insurance and professional development. I think it was probably a way of identifying everybody involved professionally in the building industry.

Mr BARTON - I am sure that some of you were involved in the process of bringing the Building Act in -

Mr DEAN - I wasn't. I lay no claim to it.

Laughter.

Mr BARTON - The rationale for the Building Act was not so much an amalgamation, if you like, of other pre-existing systems of accreditation and consumer protection, it was rather the fact that there wasn't any and it was seen as necessary that there should be. There was a host of other kinds of building practitioners who were not accredited or regulated in any way and the Building Act is a means of achieving that for 'the other people'. The Architects Act was already sitting out there and it seemed to be almost expedient - and that is the reason I raised what was said in *Hansard* - to say, 'Let's put everybody in together and then everybody will be happy'. In fact, it was a means to bring about a consumer protection standard for everybody else and architects just happened to be swallowed up. I don't think it is really quite correct to say that it was an attempt to prevent a whole lot of individual bodies having their own systems; it was more a question that the other bodies didn't have them.

Mr SCOTT - I think the primary thrust of the legislation was around the idea of consumer protection, to establish a minimum level of performance of practitioners who were going to provide building services or construction industry services. Architects generally had provided very high levels of service but were caught up in the legislation, where there was a patchy level of the values seen in accreditation amongst other professional. We had builders, for example, who were not picked up under the scheme because they were unable to demonstrate that they had the credentials to build in a way that would protect consumers against bad work.

CHAIR - Gentlemen, are there any further contributions you wish to make to the committee?

Mr JONES - Thank you for being frank about the process. We are happy to take further questions in writing or clarifications that come out of your discussions.

CHAIR - Thank you all very much.

THE WITNESSES WITHDREW.

Mr GEOFFREY FRANK HARPER, BOARD OF ARCHITECTS OF TASMANIA AND ENGINEERS AUSTRALIA, AND **Mr MARK JOHN DUNBABIN**, BOARD OF ARCHITECTS OF TASMANIA, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIR (Mr Harriss) - Gentlemen, welcome to the hearing. Geoff has circulated to all members a precis of the points that flow from the submission.

Mr DUNBABIN - As you would be aware, we are looking at trying to review our act. Common to both acts is the need to ensure that we have consistency of accreditation.

CHAIR - We had a panel of architects before us in the previous session so a lot of that detail is in their submission as to suggestions - and I suspect your submission is consistent with that as to the sections of the Building Act and the Architects Act which need reviewing.

Mr DUNBABIN - I guess in that we would looking to have our act reviewed to bring it in line with the Building Act. The Building Act is a relatively recent thing. The Architects Act hasn't really been looked at since 1929. It has had a few minor little tinkers basically to bring it in line with the Building Act. Qualifications and credentials required for accreditation of building practitioners - for the Building Act to work successfully that needs to be rigorously enforced. The scheme that has been put out with requirements for credentials -

Mr HARPER - One of the main things that we have always put forward is that all building practitioners should have an academic qualification - this is after the transition provisions of course when a lot of people without qualifications were allowed to come in and be accredited. The act was introduced in the six-month transitional period that went on a bit longer, and we feel that all practitioners should have an academic qualification and have a period of experience after that and that experience should be tested against competencies not just going out and spending 12 months or two years on the job and nobody is sure what they have done.

Ms FORREST - Just on that point, have any competencies been developed to assess these -

Mr HARPER - For architects?

Ms FORREST - Across the board. I'm sure architects would have competencies, but for builders and others.

Mr HARPER - Architects and engineers certainly have had them for 15 to 20 years. We endeavoured to get some put in place for builders way back in early 2000 when the Building Act was going to be put forward. There are some general building competencies but it has never been implemented that there should be any test of that experience post qualification.

Ms FORREST - Does that require them to demonstrate a person's competencies as part of their registration or accreditation?

Mr HARPER - People will look at the plans and things but there is not a formal list, that we have ever seen, of certain competencies that are ticked off against what these people have done since their qualification.

Ms FORREST - And that is what you're suggesting is necessary?

Mr HARPER - Yes. I can give you the architects ones very simply, and the engineers ones. The process for an architect post qualification, after they have gone through that long course that Jim was talking about, is that they are required, at a minimum, to log two years' - now it is 3 000 hours' - experience across seven mandatory areas of competence. I have them documented in this paper. Once they have done that, they can submit to what is called a an Architectural Practice Exam, which is the same across Australia and run by the Architects Accreditation Council of Australia. The first part is looking at the logbook to make sure that they have had sufficient experience. The second part is a one-hour written examination paper.

Mr DUNBABIN - Which is a national paper; it is the same paper in every State.

Mr HARPER - The third part is an oral interview which takes about an hour to look at the practice they have documented to ensure that they have the experience they have documented and also to ask questions about other areas of competency that may not have been documented, to ensure that they are appropriate people to be registered as an architect. So there is a fair bit of rigour before registration.

Ms FORREST - Do you suggest that there needs to same level of rigour for builders or does it need to be modified to reflect their level of responsibility? I do not know how you measure the difference.

Mr HARPER - Something appropriate to the level of responsibility the people are going to take on. We do not want to tell people what they should be because we do not have the expertise, but surely building industry people should be able to come up with a fairly simple set of competencies that they would expect from the builder. In fact, there was a proposition put to the minister way back in the days probably before the Building Act was introduced, a joint one by the majority of the building industry people, which I could probably find you a copy of, setting out some basic competencies builders should have, the three different levels. That was rejected.

Ms FORREST - So you are saying people from the HIA and MBA and those bodies put together -

Mr HARPER - Interestingly enough, those bodies were not party to that document.

Ms FORREST - Who was then? Who are you talking about?

Mr HARPER - Virtually everybody else in the building industry, including the Building and Construction Industry Training Board.

Ms FORREST - That was never taken on board though?

Mr HARPER - There was a question about a lot of people already operating in the building industry would be accredited. One of the propositions being forward is that people should not be put out of a job, they should be allowed to continue to practise, but in the CPD work towards getting the competencies that were outlined in that document.

Mr DUNBABIN - Yes, within the transition provisions when the act was introduced.

Mr WILKINSON - Is it fair to say that there were some people who had not been through any apprenticeship or training, as we know it, but they were just builders and had decided to build their own their own house and helped another do it? If that was the case, am I right in saying they were able to become accredited even though they were not really marked up to that stage by any independent body?

Mr DUNBABIN - Yes, I imagine that would have been the case.

Mr HARPER - That was when the document I referred to was developed. It was because there were rumours going around that people were going to get accredited if they could supply three completion certificates to a building project. We did not believe that involved sufficient rigour to accredit people.

Mr WILKINSON - Yes, that is right.

Mr DEAN - You have referred to amendments to the Architects Act and you obviously heard about some of the other information that was coming through. From your point of view, what have you done in that regard? Have you lobbied to have the amendments done? Have you put them in? Have you spoken to anybody? What process have you gone through?

Mr DUNBABIN - It has been ongoing for about 15 years and we were informed that the emphasis was going to be on the introduction of the Building Act. There was a bit of hiatus during that process. We wrote to then Minister Kons about six months ago and he responded favourably to our letter in relation to seeking a review of the Architects Act. There was a change of minister. We spoke to Mark Smith, the Director of Building Control, quoting Mr Kons' favourable response and following that we met with Mark Smith and some other fellows in the Office of Building Control. They indicated their support for a review of the act about two or three months ago. That put it back to us to come up with a discussion paper to cover the aspects that we are looking to be reviewed and updated. We have formed a working party with the fellows here previous to me. We are in the process of coming up with that discussion paper to take back to the Office of Building Control with the view to going through the procedure that leads to the reviewed act being tabled.

Mr DEAN - Is your position ultimately that there ought only to be the one act that the architects fit within? Is that it? We heard about the duality before in the evidence previously given to us about the responsibilities under the Architects Act and those under the Building Act 2000. What is your position?

Mr DUNBABIN - Our position is that our preferred model would be that the Architects Act covers architects. If you are a registered architect you are deemed to be accredited. Clearly that is the way it operates in Victoria. We were told by the office of Building

Control that that is not the way they want to see it go. They do not want anyone outside the Building Act.

Mr DEAN - Did they take that any further?

Mr WILKINSON - Did they say that they were thinking of repealing the Architects Act?

Mr HARPER - That was mentioned to the Institute of Architects, not directly to the board. One of the projects that the board is currently involved in through the Architects Accreditation Council Australia is looking at harmonisation of architects acts across Australia. Mark is on the working party. I should say both Mark and I are members of the Architects Accreditation Council of Australia. Mark is on the working party looking at the harmonisation of acts to try to facilitate not only Australian mutual recognition but also overseas and reciprocal arrangements.

Mr DUNBABIN - The Architect's Accreditation Council since round about 2000 has been involved in the relatively ongoing process of looking at all the State acts to see how best they can be harmonised. In an ideal situation they would all be exactly the same, but it is not an ideal world and acts get reviewed over a lengthy period. It does not happen simultaneously through the States, so it is probably unlikely that we are going to get them all exactly the same, but if we can get the framework in place that brings them somewhat into kilter. In the exercise that is what we would be seeking to do in the review of our act. I think, State by State, there are not building acts in all the States. The architects act in each State probably will have to have minor differences in it, according to local circumstances.

Mr HARPER - I suppose the other thing that was hinted in the previous one - and they did quote some numbers - is that currently in Tasmania there are 329 architects registered with the board, which is on the document we are giving you today, of whom only 144 are actually accredited under the Building Act.

Mr DEAN - How many?

Mr HARPER - As of last Friday, 144. That means fewer than 45 per cent of the registered architects are required to have, by an act of parliament anyway, professional indemnity insurance or undertake professional development.

Ms FORREST - In reality, those people would do that, though, wouldn't they? Is that the general rule or not?

Mr HARPER - Some of the 329 registered with the board may not currently be practising but want to continue to have the title architect available to them to use or they could be employed people. Yes, the employed people should be covered by both PI and doing CPD but there are no policemen out there to ensure that that occurs, at the moment.

Ms FORREST - So in this situation where you might have a person who is registered as an architect but not currently working as such but who just wants to keep their entitlement to use the title architect, is there a requirement for those people to undertake, even when they are not working in the field, a level of updating of their skills? How does it work?

Is it over a period of time? How long can you sit as a registered architect under the Building Act and not do anything?

Mr HARPER - Under the Building Act, you do have to do CPD.

Ms FORREST - Regardless of whether you are working or not.

Mr HARPER - Regardless.

Mr DUNBABIN - As an accredited practitioner, yes.

Ms FORREST - Yes, that is right.

Mr DUNBABIN - But under the act -

Ms FORREST - The Architects Act.

Mr DUNBABIN - Yes. Under the Architects Act 1929, obviously, CPD is not covered.

Ms FORREST - Is that an issue for an architect who wants to be accredited and maintain that under the Building Act and maintain that capacity but is unemployed for a period - maybe a female architect who is having children and does not want to actively work in the first three years of the children's lives or something like that? Would she be required to continue to maintain her insurance and undertake CPD and is that reasonable?

Mr HARPER - Under the Building Act?

Ms FORREST - Yes.

Mr HARPER - Under the Building Act she would be required to do that, yes.

Ms FORREST - Is that reasonable?

Mr HARPER - No.

Ms FORREST - So you are suggesting we need changes in that area as well, but if we put it all under the Architects Act it would be managed under that, is that what you are saying?

Mr HARPER - Under the Architects Act, as part of the discussion papers that we are currently developing, we are looking potentially having more than one class of architect; a practising architect and a non-practising architect. We would also look at putting in processes so a person in the circumstance that you are talking about who is not currently practising can become a non-practising architect and when they want to commence practice again, they would need to ensure that they have been doing something in that time to keep their skills up-to-date.

Ms FORREST - The requirements would be a bit lower perhaps, or something like that?

Mr HARPER - Yes, some sort of flexible arrangements that are reasonable under the circumstances.

Ms FORREST - So under the Building Act it is black or white?

Mr HARPER - Yes.

Ms FORREST - That may not be only for architects it could be for builders.

CHAIR - Pursuing that a little, you have indicated that it is a requirement under the Building Act for accredited building practitioners to undertake CPD. To your knowledge is that being enforced by Workplace Standards? Is their CPD occurring?

Mr DUNBABIN - When you renew your accreditation you have to submit a log. I think there are two CPD schemes that are approved under the act and whenever you renew your accreditation you have to put in your log of the previous year's CPD activities. I have not heard of any auditing beyond that. You submit your log with your renewal.

CHAIR - And Geoff's latest submission goes to some of those with regard points and the inequities for CPD points?

Mr DUNBABIN - Yes, I have always used the Institute of Architects' scheme and you have x number of points formal and x number of points informal; is that what you are talking about?

CHAIR - Not so much that, Mark, it is more a matter that we will visit with Geoff later with regard the engineers' submission and inequity of points. Not so many points for a builder to be reaccredited, more points for an architect or an engineer and I think Geoff's contention will be that there are some inequities there.

Mr DUNBABIN - Right.

Mr DEAN - From the board's point of view what have been the benefits for the architects from the registration with the Building Act 2000? What have you gained, if anything?

Mr DUNBABIN - I guess it has ushered in mandatory CPD for those who need to be accredited at the moment. A review of the Architects Act would bring in mandatory CPD to be registered, most likely, so I guess it is starting.

Mr DEAN - But you are required to do that or are getting that under the Architects Act, aren't you? Professional development.

Mr DUNBABIN - Yes, that is right we would have sought that under review of the Architects Act anyway.

Mr HARPER - We have probably been seeking it for the best part of 20 years but unfortunately with changing ministers and situations and the Building Act being hinted at, the Architects Act was always pushed away until other things were done. From the profession's point of view and the board's point of view, probably for the best part of 20 years we have been seeking to have both PI and CPD made a requirement under the Architects Act.

Mr DUNBABIN - I guess the Building Act has not impacted greatly on us because if you are a registered architect that is pretty much nine-tenths of being accredited -

Mr DEAN - Except the fee that has to be paid, is that it?

Mr HARPER - Yes. You asked previously about the institute members and the process that goes on when somebody applies for accreditation with the Workplace Standards. When they process the application they write to the board and ask whether the person is a registered architect in Tasmania which we then respond to. If they are, they find out if they have PI insurance and then put them on their accreditation list.

Ms FORREST - And they pay the money.

Mr HARPER - And they pay their about \$450.

Ms FORREST - The same amount as a person who has had lots of checks and balances done to ensure that they actually have some sort of level of qualification, that is those who do not belong to an accrediting board as architects and engineers do.

Mr DUNBABIN - Yes, that has been a point of contention previously.

Mr DEAN - On point 4 of the document you have given us, you talk about and raise the issue of complaints against building practitioners. You are talking about the need for simplicity to be brought into it. Do you wish to expand on that?

Mr HARPER - I suppose the issue is that many consumers when they ring up about what their options are, it is very unclear and you have to tell them that they have opportunities to complain to the board. They can obviously do it if it is a registered -

Mr DEAN - So if there is a complaint against an architect, for instance -

Mr HARPER - If they lodge a formal complaint to the board, the board must handle the complaint. A lot of times people ring up first to inquire and we endeavour to explain to them what the complaints process is, what they potentially could get as an outcome from the complaint process. We advise that they also have opportunities to make a complaint under the Building Act and they could also take it to Consumer Affairs. They have an option to take it to the Institute of Architects, they could take civil action and potentially - which is one of the other questions with my other cap on - I would ask whether anybody really knows where the proposal, the new consumer building framework document that came out a little while ago. What has happened to that, because it seems to have disappeared? That was another option. There was uncertainty about who was going to be covered by that, whether it was builders or the whole building profession. No-one has ever answered that question, so from a consumer's point of view there would be some confusion about where would be best to go to resolve their issue because the board can only officially handle matters of professional misconduct or conduct of an unprofessional nature. It is not going to help them solve a contract issue, recoup funds or anything like that. A lot of people come with different reasons for wanting to make a complaint. There is no concise, simple way out there for people to understand what their best option is.

Mr DEAN - My question then follows on from that. Since the commencement of the Building Act 2000, does the consumer have a greater protection in regards to complaints issues if it concerns an architect? In other words, could you have covered and responded to all of their complaints quite properly and effectively prior to the Building Act? Did I make that clear?

Mr DUNBABIN - The introduction of the Building Act probably has not affected how we would handle a complaint. Part of the review of the act we are seeking certainly would cover the complaints and disciplinary procedures because the act as it stands is a bit scant.

Ms FORREST - Does the current board only investigate unprofessional conduct and professional misconduct? Is that all that the board can investigate? So in circumstances where there is defective workmanship or something else you might need to go to two places. Is that what you are saying?

Mr HARPER - That is possibly the case. It depends on how somebody writes the complaint.

Mr DUNBABIN - Are you talking about such things as deficiencies in the design and how the building is designed to be put together, as in a design fault manifested itself in a problem with the actual building, yes.

Mr WILKINSON - You could still claim unprofessional conduct though, could you not? That the architect was not acting professionally when he designed the building?

Mr DUNBABIN - Yes, it might get into the realm of negligence and things like that. That would still come our way.

Mr WILKINSON - Then do you have any difficulty in working out degrees? Does that amount to unprofessional conduct or does it amount to immoral behaviour? Those type of questions.

Mr DUNBABIN - I have been on the board for about five or six years now and Geoff has been many years prior to me and we have only really handled one complaint through to the nth degree. We had to assess how we were to investigate the complaint to get to the substance of it and to see how you would term the infringement.

Mr DEAN - Taking that a little bit further, since the Building Act 2000 has been in place - and you might not have had any complaints, maybe that will be the quick answer here - if a burning complaint made it to you, the board, in relation to poor architectural design or what have you, would you have immediately referred it straight to the accreditation group? What is it? John White's group. Would you have referred them to there?

Mr WILKINSON - Tas Compliance Corp.

Mr DEAN - Tas Compliance Corp. Or would you have dealt with it?

Mr HARPER - If we receive a complaint we have to deal with it under our act.

Mr DEAN - I see. So you would not have the right; even if that person, that architect was accredited under the Building Act 2000, you would still deal with it?

Mr HARPER - Yes. That is one of the issues, that logically a person might put a complaint to more than one place at the same time, and how should the complaint be handled by both bodies, which is one of the issues that we were getting onto before..

Mr DEAN - I had the view that you would probably have to refer it to the builders.

Mr DUNBABIN - We would inform the complainant that that avenue is open to them. It would be up to them then whether they would drop it with us and then have it dealt with under the Building Act. If they wish to pursue it they could through the board.

Ms FORREST - So currently now that the complaints can be handled even through the board if it goes to the board, or Workplace Standards could effectively look at the complaint, who do believe is the most appropriate body to look at complaints? Should all that power be on just professional and unprofessional conduct for the whole gamut of complaints. Should that be vested under the Architects Act and so effectively Workplace Standards would have no part in investigating a complaint against an architect? Or should it rest with Workplace Standards to do the whole lot, regardless of whether it is professional misconduct or what?

Mr HARPER - Workplace Standards can only look at the same sort of issues. They do not have a broad scope of handling a complaint either. Once again, it is only the same type of complaint that the board can handle.

Ms FORREST - Who should be doing it then?

Mr DUNBABIN - I guess, in the first instance, it should be handled through the board to see whether there is substance in the complaint - whether it warrants a full investigation. Obviously there would need to be expertise on any panel that took on that complaint.

Ms FORREST - Within the board or wherever it goes?

Mr DUNBABIN - No, wherever it went. I guess we do not have a hard-and-fast view as to -

Ms FORREST - Does the board have that expertise? Let's say I as a consumer made a complaint about an architect and it is quite a complex matter - I cannot think what it might be but it is quite a complex matter. Does the board have the expertise to thoroughly investigate that?

Mr DUNBABIN - The board at the moment has three members. There should be five but we are short a couple of appointees by Government. I guess I can only talk about a recent instance where we did need to engage some legal advice as to how to handle it.

Ms FORREST - The board would get in that advice if necessary? If it was deemed to be deficient in that area of expertise you would get it in? So the board then has the capacity through that process to thoroughly investigate that complaint. Is that what you are saying?

Mr DUNBABIN - Yes. We did engage legal assistance.

Mr HARPER - We are hopeful in the replacement board members that we get, to get a stronger consumer representation on the board. That person would also be handling complaints so it would not just be seen to be a group of architects handling a complaint about an architect. A legal practitioner sat in on the last complaint we had.

Ms FORREST - Does the Architects Act prescribe who will be members of the board? Does that need to change if it does not?

Mr HARPER - It does. Two elected persons from the Royal Australian Institute of Architects, the current president of the Royal Australian Institute of Architects and two nominees of the Governor who can be architects or non-architects.

Mr DUNBABIN - It is quite prescriptive about that composition of the board currently.

Mr HARPER - That is something we would be looking at in the review of the whole act.

Mr WILKINSON - Can I come in with that and say it would seem to me with this duplication of disciplinary proceedings that prime facie it could cause a conflict of penalty. In other words, I am an architect, I do something wrong so you think it is appropriate that I be struck off for 12 months. The person also goes to Workplace Standards. They do not believe it is that serious and believe that I can continue to practise, but under the tutorship of a firm. So you could, if people wanted to, proceed under both jurisdictions. You could have a conflict of penalty, couldn't you, and therefore which one comes into being - the one under Workplace Standards or the one under the Architects Act?

Mr DUNBABIN - I guess there is the potential for that.

Mr WILKINSON - Yes, there is always the potential so long as there is the duplication of disciplinary bodies, is there not?

Mr DUNBABIN - I do not know, but I guess if someone's registration was suspended under the act that would be that for how ever long. They might mount a legal challenge to that.

Mr WILKINSON - Under the act your registration could be suspended for 12 months but if it goes to Workplace Standards they could say registration can remain but that person has to work with another for the next 12 months.

Mr DUNBABIN - I am not sure that the Building Act would have that jurisdiction to say that registration can remain.

Mr HARPER - Not in the Architects Act but they could under the Building Act.

Mr DUNBABIN - But then they have to be a registered architect to be accredited.

Ms FORREST - That is what I was going to say; they would be rejected on that front, wouldn't they?

Mr DUNBABIN - They then could apply to one of the other levels under the Building Act to continue to work as a designer but not as an architect.

Mr WILKINSON - So what I am saying is, the duplication can cause a conflict and the conflict can cause legal issues that have not yet been examined.

Ms THORP - I do not see how that could be the case.

Mr WILKINSON - Why not?

Ms THORP - If you were deregistered under the Architects Act then you are automatically no longer accredited as an architect under the Building Act.

Mr WILKINSON - All right. Let us say you are not deregistered, let us say under the Architects Act they say you are fined the sum of whatever it might be -

Mr DUNBABIN - \$200 is the maximum we can fine.

Ms FORREST - \$200?

Mr HARPER - That is another one of the issues we have and why the act needs reviewing.

Mr WILKINSON - Let us say under the Building Act they get a completely different penalty. Do they have to abide by both?

Mr DUNBABIN - Yes.

Mr WILKINSON - They do, or alternatively if one of them conflicts against the other, which it could do and don't ask me for an example -

Ms THORP - One is taking money and one is giving money.

Mr WILKINSON - Yes, I do not want to talk about what the conflict could be but obviously there are circumstances where there could be a conflict, who do you follow?

Ms THORP - Has it arisen?

Mr DUNBABIN - No, as I say, we have only had one complaint go to a formal proceeding in my experience and Geoff's previous to that.

Mr WILKINSON - My examples were just to demonstrate the stupidity of having a duplication.

Mr DUNBABIN - In a review of the Architects Act when we covered the complaints and disciplinary procedures we would want to try to mesh with the Building Act and try to remove that potential.-

Mr DEAN - I was going to follow that. That is one of your amendments you are seeking, isn't it, to remove that duplicity?

Mr DUNBABIN - Yes. The disciplinary procedures in the current Architects Act are pretty slim in terms of process.

Ms THORP - What do you mean by duplicity?

CHAIR - Duplication.

Mr DUNBABIN - I guess the consumer can complain to four or five different places and that is wider than the Building Act and the Architects Act.

Mr WILKINSON - So what happens if some different evidence is given by that same person in another jurisdiction? That could happen by doing it this way. It shouldn't but it could. It happens in court cases. Often evidence is given which is different to what was given in the previous court case.

Mr DUNBABIN - The board can only go by what was put before it.

Mr WILKINSON - Correct. The board can only go by what is put before it and so too can the Workplace Standards, which could be completely different. That is what I was trying to examine.

Ms FORREST - Going back to my question, do you believe these powers need to be within the Architects Act for architects or should they stay under the Building Act so we do not get this duplicity of it, we have one pathway, and where should that be?

Mr HARPER - To be nationally consistent and assist with international riposte, logically it should be under the Architects Act because every State in Australia and Territory have an architects act.

Ms FORREST - And the disciplinary matters and complaints process are dealt with under their Architects Act? Some of them do not have building acts but they might have other acts that they could potentially put it under?

Mr DUNBABIN - The WA act is referred to a State -

Mr HARPER - It has a new act.

Mr DUNBABIN - State administrative tribunal.

Mr HARPER - But it is still under the Architects Act but the process for handling the complaint may be through the State disciplinary tribunal.

Mr DUNBABIN - In every instance when the complaint is first lodged with the board and they investigate it as to what the next step should be or whether it is dismissed I guess.

Mr DEAN - Geoff, in your document that you provided to us dated 20 May you referred to the professional development requirements and the different categories and so on and you are saying -

CHAIR - That is for the next part. That is for the engineers. That is Geoff's further submission that we will consider when we complete the Board of Architects' submission.

Unless it is specifically linked, Ivan, we will deal with that specifically with Geoff rather than bind Mark's time up with it.

Mr DEAN - I suppose I can turn it around and ask what the position is with architects in relation to the professional development. Is there any?

Mr DUNBABIN - Well, it is mandatory as an accredited practitioner under the Building Act but if it is under the Tasmanian Architects Act it is not mandatory, or it is not mentioned. It is a 1929 act.

Mr HARPER - This is where we have a funny situation with architects. A lot of architectural firms took a decision only to accredit one person under the Building Act hence why we only have 144 compared to the higher registration under the Architects Act. An architect could sign off a full scope of work because he had unrestricted areas of practice; they could sign off all the documents, being the responsible person, so the only person under the Building Act who is required to do CPD is the accredited person whereas there could be four or five architects in the same practice and the other four may not be required.

Mr DEAN - I see, so they can use the other one.

Mr DUNBABIN - I guess that is something the Building Act has not really come to grips with within organisations, as to who is accredited and who has to be. You would have a situation where a firm has to fork out four or five accreditation fees -

Ms FORREST - Just to get ticked.

Mr DEAN - That is an anomaly, isn't it?

Mr DUNBABIN - Well, at the moment I think most firms have, as Geoff says, one person who is accredited.

Mr DEAN - There is an anomaly if that is the situation that you have one who is accredited under the Building Act and they then are responsible for all those others under them in that same organisation.

Mr DUNBABIN - Not even under them.

Mr DEAN - No, in the same firm I meant.

Mr DUNBABIN - In a firm you have the directors and one of the directors is accredited.

Ms FORREST - But if all the CPD requirements were in the Architects Act you would not need to worry about that because they would be undertaking their CPD and there is the insurance.

Mr DUNBABIN - Yes, fellow directors who are not accredited and salaried architects as well.

CHAIR - So have we covered the matters relating to the Board of Architects? Is there anything further that you want to give evidence on, Mark?

Mr HARPER - A couple of little things that I think came up in the other one when Mark was not here where they refer to a couple of documents but there is a joint AAC ARIA CPD policy. I do not know whether you have seen that before but that already existed -

CHAIR - I do not think so.

Mr HARPER - Part of what we are looking to do under the Architects Act review is to get the national policy, which is a joint one across Australia, to be consistent. This may be different to what is under the Building Act so I am quite happy to table that for you.

CHAIR - Thanks.

Mr DUNBABIN - It is recognised under the Tasmanian Building Act when you lodge your accreditation application you can use that scheme.

Mr HARPER - Similarly, there is a professional standard and conduct model which is also available for joint AAC ARIA document which, once again, under the Architects Act we would be looking to try to bring that and harmonise it across Australia which potentially is different to what is under the Building Act once again, so that I would also table. So the things we are trying to bring in the Architects Act review are things that are already existing across Australia and we want to get them up to date and in one package in Tasmania. That is the full set of competencies requirements for architects which I am quite happy to table for you. If you are not sure what AACCA is, this is a document showing what it is made up of, which is representatives from all States and Territories, architects and boards. We continually meet with the executive, the next Architects Accreditation Council of Australia meeting will be in Hobart next month. It is an overall framework for all the boards in the States to endeavour to harmonise legislation and operations as much as possible.

Ms FORREST - Do you sit on that board, Geoff?

Mr HARPER - Yes, so does Mark.

Mr DUNBABIN - Registrar and chair of this State.

Ms FORREST - So there is a lot of work going nationally trying to get nationally consistent legislation?

Mr DUNBABIN - Yes. It has been ongoing since 2000 in the Productivity Commission and the reports and so forth.

Mr HARPER - Nearly every State in Australia over the last 10 years has had its architects act reviewed with the threat of there being no need for an architects act. All States have come to the conclusion that they should remain. That is where we find ourselves, so we hopefully can upgrade our act to make it contemporary.

Mr DUNBABIN - I guess if the Architects Act was abolished we would be standing outside national and somehow Workplace Standards would have to take on some area of the interface with AACA in terms of what they were doing. It would get a bit unworkable.

CHAIR - How are we tracking? All done at this side? Thanks very much, Mark.

Mr DUNBABIN WITHDREW.

CHAIR - We will turn our attention to your further submission, Geoff, on behalf of the Engineers Australia. You are familiar with the process.

Mr HARPER - One of the issues that we have had is that when a lot of people refer to the Building Act, unfortunately it has not been clear from an industry point of view that the building industry consists of more than builders. Even your terms of reference talk about in part 2, the extra costs imposed on builders. We assume that should have talked about the whole building industry. In fact, when you start talking about buildings -

CHAIR - I will have a word to the chairman about that.

Ms FORREST - Builders are on his case more than the others.

Mr HARPER - I think that is the case with a lot of these issues relating to the whole Building Act and that is why the focus tends to be on builders - the rest of the profession has already had registration processes in order. The focus has been relating to builders, and we can understand why people reach that conclusion.

Mr WILKINSON - Do not take the pressure off him.

Mr HARPER - One of the other issues we believe is when people start looking at and talking about building projects they ought to be thinking about the whole life of a building project not just the construction phase. Obviously of the overall cost of a building - the whole-of-life cost - the actual construction phase is fairly minor. When you have to look at the fanning issues that start the design, the running cost, the maintenance and the potential demolition of the building, construction costs is only a fairly small part. It is important to have a broad view of the whole building industry and not just focus on the builders.

The other issue that we think is really we should not be looking at the cost imposed on the builders or the building industry. There probably ought to be the additional cost to the consumer or the building owner because, let's face it, any cost put onto the builder or any building professional is going to get charged back to the owner of the building or the consumer. It really ought to be the focus of the cost to the consumer because they have to worry about the building in the long term anyway. In today's environment, investing more into the planning and design phases can achieve significant savings on the whole-of-life building costs and get you better sustainable buildings in the future. It is good to see in recent reports put out by the Building and Construction Industry Council and the Tasmanian Building & Construction Industry Training Board that they are starting to focus broader than they have in the past. I will table a couple of documents for you: I

am sure you have seen them. That recent report actually starts talking about the building industry being far broader than builders and recognising that the design phase is significantly important and more focus should be given to that and investing more time and effort into that area of the building industry.

Another issue which I refer to that you might like to look at and we did not write is their section on page 15 concerning the legislative framework relating to the building industry. I am not sure whether you are aware of that report. I am happy to table it. I will give you a copy of the whole lot at the end. It is also interesting that in that document, which I think you have hinted at during the day, one of their recommendations is that the Building & Construction Industry Training Board ought to extend their coverage of the training levy funding to be available to more than just the building people and have some funds available for the design, documentation and associated activities, which has been one of the issues that professions have had for some time because all the funding under the building levy - which is approximately \$1.8 million a year - is being put back into the builders' area of it. When applications have been made by engineers and others for some training funds, they have been rejected.

We have recently been working with the training board to try to change those circumstances. It is a very slow process. There is \$1.8 million a year at least that they are collecting and only part of the building industry is actually getting any advantages from it. Considering, under the Building Act, engineers are required to do 30 hours per year of CPD and builders are only required to do 10 or 12, it just seems very unbalanced. When a couple of major building organisations received direct funding of something like \$160 000 or \$170 000 a year to run CPD, once again there is a big imbalance that we see. When you think about the whole building project, as I said before, the design side of it - design and planning - can affect the cost of a building over its life far more than just the construction cost.

Ms FORREST - Before we move on from that point, regarding the levy that goes to that board to be used for education purposes, what processes or mechanism do we need to change that to enable other broader categories of people involved in the building industry to be included in the use of those funds?

Mr HARPER - It seems to be an interpretation of a couple of definitions in the Building & Construction Industry Training Board legislation and the definition of building and construction. We believe that currently you could probably interpret that engineers and architects and other professionals should get access to the funds. However, there seems to be an interpretation that to get access to the funds, a practitioner needs to spend 90 per cent of their time on-site.

Ms FORREST - So does that part of that act need changing to clarify these points and to make that possible?

Mr HARPER - Yes, an amendment to the act would certainly finalise it once and for all. At the moment it seems to be people's interpretation of what is in that act and the definition of building construction.

Ms FORREST - Have you looked at the second reading speech when the act was established - I certainly have not - to see what the intent was?

Mr HARPER - No, I have not, I must admit.

Ms FORREST - It might be an interesting exercise.

Mr HARPER - If I read the definitions I certainly see in there that it should be available to people handling the design of it.

Ms FORREST - The requirement to be on-site for that amount of time as you specified would be -

Mr HARPER - I cannot find that in the act.

Ms FORREST - Right. Sorry, I thought you said it was in the act.

Mr HARPER - The explanation that we get back when an engineer has applied - they ask them, 'Do you spend 90 per cent of your time on the building site?'

Ms FORREST - Would many builders spend 90 per cent of their time on the building site?

Mr HARPER - That is an argument that we also put forward.

Ms FORREST - It is an interesting point.

Mr DEAN - Mine did not. He spent about 90 per cent of his time on the telephone.

Ms FORREST - Did he? He might have been on the site though.

Mr HARPER - So we are working on that and this sort of report is certainly helping. Of course, one of the recommendations is to get access and hopefully that will assist by going to the minister for facilitating that but it is just another issue with the Building Act.

We are now specifically starting to look at accreditation under the Building Act. Once again, that has been hinted at and I don't want to go over the ground all the time, but accreditation or registration needs to be consistent and ensure national and international mutual recognition.

All accredited building practitioners should, once again, have an academic qualification and their experience ought to be tested against some competencies. If you look at the current scheme that came out in July, some areas talk about people having three years' experience in a certain category. Again, some places say you must have a qualification and then experience, others just talk about having three years' experience in the category you wish to be accredited. Three years' experience if it is not tested against something could be one month's experience 36 times. It could be designing pergolas from day one and you are still doing that three years later in some organisations, so to think that suddenly means that you are a better builder or whatever classification, or even an engineer or something if that is all you have done and you have very narrow experience, you need to test the experience against some competencies.

I would also table Engineers Australia's policy relating to regulation of the engineering profession which, once again, is much the same now. There are a few different models where it can be co-regulatory or government on its own but Engineers Australia is willing to assist in the process because we have felt that we have been somewhat excluded from the current Building Act and other schemes and we have ended up with something that we have some major concerns about. For example, in Western Australia they are currently looking at the introduction of a building act and at the same time they are looking at introducing an engineers act so all engineers can be accredited under the engineers act and different acts like the Building Act can then be called up for accrediting qualified people, much like the Architects Act situation we believe can work here and does work in Victoria.

Another model that has recently come out is in Queensland where they have an engineers act and they have appointed Engineers Australia to be an assessment entity and that assessment entity gets the applications, goes through their qualifications against the competency we have. Once again these are much like architects, there is a national set of competencies, both stage 1 and 2. In stage 1 we accredit the course and therefore we know those who come out of the courses for a Bachelor of Engineering have met certain requirements. Stage 2 competencies are the experience we expect people to get in three years post-graduation before we would entertain them being registered under the National Professional Engineers Register or becoming a chartered professional engineer. Once again, there is much the same sort of process. They have to document that experience against the competencies, have that signed off by a national accredited assessor and then go through an interview process where they are examined by two engineers. It is very similar to the architectural situation and it can work very well.

In the Queensland model that I will give you there is a brief outline of the competencies required in the attachments to the program. There is a program in there for some continuing professional development which is fairly specific for engineers and is the same for all people on the National Professional Engineers Register or at charter status. They are required, over three years, to have 150 hours' structured CPD. It has become even more specific in the last few years and of that 150 hours, 50 hours must be in the area of practice that they are in. At least 10 hours has to cover risk management issues, at least 15 hours has to address business and management skills and the remainder can cover a range of activities relevant to the practitioner's career. So we are getting even more specific now because there is a duty of care for consumer protection and looking after public health and safety.

Also in that document there is a listing of both mutual recognition agreements that Engineers Australia has with overseas countries such as Hong Kong, Ireland, Malaysia, the United Kingdom, Canada, and also we are parties to the Washington Accord and Sydney Accord where because of the processes that other countries put their courses through we will recognise the qualifications in other countries. Once again, there is a list of about 10 countries that are parties to those accords so we are looking at an international riposte and recognition at the same time. So there are schemes that work well elsewhere in Australia but we are struggling to get it right in Tasmania.

Ms FORREST - Geoff, on this point, the very comprehensive and prescriptive requirements in your CPD, and I appreciate the importance of that in these professions, under the Building Act for a builder we do not even have the competency at this stage, I

understand, to measure people against and there are varying levels of the points needed; things are allocated a number of points for what you do. So without that sort of prescription is it possible that someone could, under the current system, do 10 trade shows and get their points without doing anything that stimulates? I am not saying that trade shows do not stimulate but they do not test your knowledge. My experience of going to trade shows is that, and maybe I am wrong. Some of the things that you have talked about that the engineers are required to do would clearly challenge your business management, your understanding of concepts and designs and things like that so under the Building Act is that a deficiency that needs to be addressed at the moment as far as the CPD framework goes, or does the accreditation of the courses deal with it?

Mr HARPER - No, under the accredited courses I do not believe that. Under the Building Act you are free to go and do what you wish and I think one of the requirements under the Building Act whether it is in the current scheme or not I cannot remember reading it, if you purchase the BCA that was considered to be CPD. You did not have to look at it; so long as you bought it that was okay.

Ms FORREST - I know, that is the sort of thing I am talking about. That does not change your practice or advise your practice at all?

Mr HARPER - No.

Ms FORREST - There are still obviously flaws with that then?

Mr HARPER - Yes.

There are a few issues relating to the new scheme that have been brought out only recently in July 2008 which we have some concerns about. There are inconsistencies on how things are being accredited and also there is at least one basic flaw in it that we are extremely concerned about. For example, some people under the accreditation scheme to be accredited as an engineer get accredited without any assessment by Engineers Australia or the national professional engineers board or even the Director of Building Control because all they require is to have something put forward that says the person has had three years' experience in the area of practice which they have been signed off by. The terminology used in the scheme is 'senior engineer' but we are aware of people less than that just signing off documents being accepted because the definition of senior engineer is open to interpretation.

We believe the Director of Building Control should have some responsibility to have some rigour in assessments of affiliated credits and not just rely on saying that they will have to work within their area of expertise and that will cover them. I think from the public point of view, if you are saying this person is accredited in a category, the public should feel comfortable that they have been through some rigour to get accredited.

Ms FORREST - There was some comment made about expert panels being used. I think that was more in the auditing process but is that something that needs to form a part of the accreditation body, that there is an expert panel that can make those assessments of allied professionals because you might be a professional engineer but you are not necessarily an architect, you are not necessarily a builder, you are not necessarily a surveyor and you are very unlikely to get all those skills in one person.

Mr HARPER - That is right. I think as demonstrated with the Queensland model, for example, they rely on Engineers Australia to make that assessment and we cannot see why a similar sort of requirement couldn't be under the Building Act in Tasmania.

Ms FORREST - So an expert panel would be set up encompassing those experts?

Mr HARPER - We would not even have an expert panel to do it for an engineer. We believe that needs to be assessed against our competencies. We have accredited assessors who do that for all our accreditations, both the National Professional Engineers Register and chartered professional engineers. These people themselves have been accredited to be a national assessor and they are audited themselves to make sure the standards are kept up with who they approve. Then we have an act in Tasmania that comes along that comes up with some other things that really are not consistent with what is expected across Australia and internationally, which is where we start getting concerns. The one that we really have difficulty with - which I have tabled - is: in the new scheme they have introduced a category called civil design. I am not sure how familiar you people are with the new scheme or whether you are still looking at the old one. Under the new scheme, one of the qualifications and experience or competence they list to get accredited as a civil designer is a technical engineering qualification of at least AQF level 6 and five years' experience within the scope of work as civil designer.

That person could be a person with a two-year TAFE qualification, which is what an AQF 6 is. It is not a bachelor's degree from university. Then they go out and have five years' experience. Once again it could be five years' experience working for a small engineering company designing pergolas and certifying that they are okay. Then, under their scope of work, that person can be deemed to satisfy civil and structural engineering designs for buildings of all classes and unrestricted sizes, which means potentially that person could be signing off a multi-level building of a complex nature.

Ms FORREST - They might be building the new Royal Hobart Hospital.

Mr HARPER - As long as he complied with the Building Code he could do - he or she, I should say, which is where we have a major concern. We pointed out to them when the draft came out that they had a problem. They increased the AQF level from 5 to 6 at that stage but still went ahead. They are not even testing the person's competence and the experience that they have had. That person really, no matter what they have done, should not be allowed to sign off structural certificates for major buildings.

Mr WILKINSON - So comparing that to Dubai, the biggest building in the world, that person could design that building by all intents and purposes?

Mr HARPER - As long as it is within the code.

Mr WILKINSON - That is right.

Mr HARPER - Very few people design outside the codes these days, of course, from fear of somebody taking legal action against them if something occurs to the building. We understand that, of the 500-odd engineering accreditations that were there before under the old scheme, a significant number of people did not have a recognised engineering

qualification at a bachelor level. They are trying to cater for those people but they have not done it very well. In fact, one of the people I know was jumping up and down trying to get accreditation to continue to work in this area and I showed him these things and I said, 'You will be happy now that you will be able to practise as an engineer and do everything'. He said, 'You are joking?' He was even concerned and he was one of the people who was trying to get accredited but said, 'Surely they can' - which they can under the new scheme - the Director of Building can actually accredit people with conditions or restrictions. So there is no need to introduce a whole category with this sort of accreditation process, which is not very rigorous. They could have accredited the person and just restricted at what level they could do. He was only a very small designer that wants to do a bit of timber framing sort of structures and suddenly he has been allowed to do almost anything he wants.

Ms THORP - So you would say to make it more discretionary on the part of the registrar?

Mr HARPER - Yes, the director could.

Ms THORP - So you could make a specific case for a specific set of circumstances and get approval rather than - sounds like that category is a grab-all.

Mr HARPER - Yes. It is trying to cover a lot of people who came out of TAFE maybe 10 or 15 years ago. I can assure you that that TAFE course then was far better than the TAFE course now. The course has been downgraded to some degree over recent years and the TAFE teachers would not be happy to have the people coming out of TAFE in the engineering area signing off too many garages and things, let alone multistorey buildings.

CHAIR - Geoff, have you followed it up with Workplace Standards at to why that category was introduced?

Mr HARPER - We suggested to them to try to get the last 10 or 15 per cent of people that do not have potentially a recognised Bachelor of Engineering degree to allow them to be accredited under the scheme.

CHAIR - Okay, we have Workplace Standards coming in this afternoon.

Ms FORREST - Did you raise that question with Workplace Standards? You wrote a letter here sometime ago but I do not think it really goes to that, from memory.

Mr HARPER - That letter you are talking about was written 12 months ago. This issue only arose in about April or May this year with the draft scheme. We had some brief discussions with them about where to go forward.

Ms THORP - You did not get a written response.

Mr HARPER - We finally got a written response in June this year. We insisted that we would give them too much more information until we had a written response. But in the meantime we did write and say that the new scheme is inconsistent and has some fatal flaws and quoted the example that I am quoting to you.

Ms FORREST - No feedback from that communication as yet?

Mr HARPER - We met with them and outlined, much like we are here, our concern but it still came out.

Ms FORREST - You did that before it came out in print?

Mr HARPER - We saw the draft. When we saw the draft we expressed our concerns, met with them, put it in very short writing, so it could not be confused with a lot of other issues, that that was a real problem. It has continued.

The next one was really to do with complaints handling. I think we have just been discussing about that - the need for simple advice to be available for consumers. With engineers, hopefully soon we might have professional standards legislation operable in Tasmania. That will introduce yet another level of potential complaints processes for consumers to take against a building practitioner. So on top of what we have been talking about before, there is another one. So there are five or six potential avenues of complaint. I feel sorry for the consumer trying to get the right advice on where to go. We have no problem with an engineer having complaints against them and us investigating, but five or six ways of doing it seems a bit unjust and confusing for the consumer.

Mr DEAN - Can I just revisit that document? When you looked at the draft you then put in a position to them saying that they needed to address certain things or it was deficient in certain areas. When that was released, did you go back and tell them they had failed to address our concerns or issues?

Mr HARPER - This only came out less than a month ago. We are trying to put together a response to the whole document and the response we got to our earlier letter. We did not think this was going to come out that soon. They obviously have not adjusted things that we were hoping they would look at.

Ms FORREST - Just on that point, when the consumer has a complaint and where do they go, from your experience, where do most complaints go? Whom do people actually approach first in regard to some engineering work?

Mr HARPER - It probably comes to Engineers Australia because we do not have an engineers act or similar. I am not aware of any that have been taken up with Workplace Standards. In a lot of the cases we try to deal with the issue before a formal complaint comes. Once again, if you get a formal complaint we will put it through the normal process and save people the time, money and effort. If it is possible to resolve it by having a chat to the engineer involved and trying to negotiate through the issue to get a resolution that is reasonable, that the consumer is happy with, we try to do that without a formal complaint. But certainly we advise the consumer that they always have the process to go through a formal complaint at any stage.

Ms FORREST - That first point of call tends to be Engineers Australia? That is your experience, you are saying?

Mr HARPER - I am not aware of where other calls go, but I know we have had calls come to us that have been referred by Consumer Affairs or similar places.

Ms FORREST - Okay.

Mr HARPER - From an engineering point of view we are not sure, and we ask the question, does this cover engineers, or will it? They said, 'We are not sure yet'. There is only one little reference in the whole document. There is a footnote almost that gives you a hint that it may cover professionals.

Ms FORREST - When did that come out, Geoff?

Mr HARPER - This was a February 2008 document that came out. Comments went back and we have heard nothing more of it since. We are just not sure.

Ms FORREST - So that was only a discussion paper that you are talking about. No formal document has come out since?

Mr HARPER - No, we have not seen anything since. The idea of this discussion paper was moved to legislation that was going to be introduced in the Department of Consumer Affairs and Fair Trading to handle disputes in the building industry. That is another potential avenue that people could take complaints to.

Ms THORP - At the risk of being a bit simplistic, would it suit the purposes of professional engineers in Tasmania if there was an engineering act along the lines of the Architects Act and they were able to completely pull out of the accreditation scheme that is currently being done by Workplace Standards?

Mr HARPER - Yes, we will get to that later. That is one of the options that we believe could solve a lot of the issues. If you had one act that accredited all engineers in specific categories, which is very similar to the model in Queensland. For example, a mining engineer could be accredited under the engineers act and then the mining act could say somebody accredited under the engineers act, but at least you would have consistent approach to accrediting all engineers. Engineers Australia would be happy to assist with it and make sure that people come up to the appropriate standards.

Ms THORP - In the absence of that kind of set-up, you are in the position where you have to continuously keep trying to work with the accreditation scheme we have to have it adequately reflect the needs of the profession.

Mr HARPER - It is not the needs of the profession, I would say, it is more to ensure that there is public health and safety protection. To do that we believe that there should be appropriate standards that people should meet before becoming accredited.

Ms THORP - But the engineers and yourselves, really, as a body, whether it be through a board or whatever, are the ones who know best what standards to set.

Mr HARPER - Yes, because we have developed competency standards through wide consultation with industry and consumers over the years to make sure that we have the standards that people expect from a professional engineer.

Ms THORP - Thank you.

Mr HARPER - I should also say that it is not only professional engineers, there are also engineering technologists and engineering associates for whom competency standards are available.

Ms THORP - Are they the categories referred to in this document?

Mr HARPER - Yes.

Ms THORP - Thanks.

Mr HARPER - The next issue is insurance. One of the benefits for consumers at the time of introduction of the Building Act was to ensure that all practitioners had insurance and that proportional liability could occur should a disaster or something occur. It was an issue of knowing that each person in the building industry had appropriate insurance so that the blame could be shared fairly easily around whoever contributed to the fault or whatever occurred and that they would all be covered by insurance. This meant the consumer would know that if it was 10 per cent builders, 20 per cent architects, 40 per cent engineers that once that decision had been made they were all covered by insurance and nobody would be going broke and miss out on part of it so the consumer would actually get paid because there was an insurance policy behind each party.

With recent changes in insurance we are concerned that it no longer may be the case and all the appropriate protection for the public may not be there. I will provide you with a couple of documents written by an insurance broker in Victoria for us when those changes hinted at what was occurring with commercial builders. We asked why there were not also changes for engineers and we raised that with Workplace Standards. They said that it was really up to them, it is coming from elsewhere. We said that what was good for one should be consistent across the board.

Another document that was prepared when Victoria was going through the same situation with commercial builders and structural defects insurance, to show the need for appropriate insurance and the effect on the market. I am quite happy to table that so that you can have read it at your leisure. We are concerned that the whole proportional liability, one of the advantages of the act, may have been jeopardised with the recent changes.

Coming to the last item which is relating to the costs of the accreditation of the Building Act from an engineer's point of view. We note that since the Government took over accreditation the cost to some engineering companies has increased even though the accreditation fees were reduced. Of course we used to pay \$450 which was reduced to \$300. Under the old TCC scheme of charges, which was never really officially published but we do have documents that show it exists, members were charged a corporation fee of \$1 350 plus \$45 per accreditation thereafter. The way engineers with 10 categories used to be accredited under the Building Act, an engineering firm had to have many people accredited under each of the 10 categories to ensure that they could sign off on everything.

For example, Johnstone McGee & Gandy provide full services for electrical, mechanical, building services, environmental et cetera. They had to have people in all those 10

categories and having more than one office - they had offices in both Hobart and Launceston with probably two in each of the offices to ensure that if somebody was always sick or on leave they still could function - they potentially had 15 or 20 people accredited under the Building Act. Their fees ended up being around about \$2 000 for the 15 to 20 people accredited. Under the new scheme with a flat \$300 per person, if they have 15 accredited, they are going to be paying \$4 500. Potentially it could have more than doubled even though the fees have reduced on the surface. That is another issue relating to the cost under the new schemes.

Ms FORREST - Geoff, in that cost issue, when an engineer is accredited under the current system what is the process? How is that person accredited and then charged a fee?

Mr HARPER - Workplace Standards have in their scheme a number of different categories for accrediting an engineer. One is if a person is on the National Professional Engineers Register they rely on that and accredit them.

Ms FORREST - That is all they need to do, just ring or write to the register and say, 'Is this person on the register?' If they say yes then that is a tick? Is that it?

Mr HARPER - Correct.

Ms FORREST - That is all that has to happen?

Mr HARPER - And make sure they have PI and are undertaking to do CPD.

Similarly, now that they recognise under the new scheme that a person is a chartered professional engineer, they will give that person a tick. Except, once again, unfortunately they got the wording in their own scheme wrong in that they talk about a person recognised as a chartered professional engineer in a general area of practice, for example, in building services or they talk about 'civil'; no actual general area of practice that exists. As a chartered professional engineer, we have colleges at that level. The areas of practice are under the National Professional Engineers Register. Once again they have the wrong terminology.

A person I recently talked to had applied as a professional engineer and they said, 'If you cannot show us that you are in that general area of practice you have to go one of the other routes. You cannot use it'. So the document does not work. This is another flaw in the current document. They did not follow the suggestions that we made, so one of their options for accreditation is unworkable. Where you are heading is that, in addition to the \$300 when you initially apply there is a \$150 application fee. We believe that if they are simply going to pick up somebody else's assessment, there is no justification for a \$150 fee. The person to get to be a chartered professional engineer has paid something of the order of \$440 to have that assessment done already. Why do they really need to pay another fee when there is no assessment occurring?

Ms FORREST - Does the application fee apply just to that first application for accreditation, not subsequent to renewals?

Mr HARPER - No, it is only the annual \$300 after that. The \$150 is just a one-off.

Ms FORREST - I take the point that if they have already been assessed by a registering body elsewhere there is not a great deal of work to do.

Mr HARPER - No.

Where Ivan was coming from before is that engineers potentially can be required to be accredited or recognised under a number of Government or semi-government bodies including local government. Possibly the introduction of a single engineers act would allow for all these bodies to rely on a single registration point and reduce costs to both government and to the engineering firms in running multiple accreditation systems.

Mr WILKINSON - It seems to me a common thread, Geoff, with what we have heard this morning - for architects and engineers, isn't it?

Mr HARPER - I think the significant thing was that architects and engineers already had a fairly good, rigorous process with property standards being well developed even before the Building Act was thought about. We still ask the question now, why were we ever included? Particularly if there was an engineers act.

Mr DEAN - I made a comment that it seems to me that really nobody was consulted through this whole process to the length that they should have been consulted. Are you saying that in putting together the Building Act 2000 the consultation with you people was good?

Mr HARPER - Yes, I would say the early part of it was quite good.

Mr DEAN - So what has happened then? What has broken it down?

Mr HARPER - In the early stages of the whole consultation process it was clear, we believe, as the act intended, there was going to be an opportunity for what we may call independent bodies to do that accreditation and run the scheme. In fact, in the early days we got together a group of all the major organisations in the building professions - MBA, HIA and even the smaller bodies and everybody - and we signed a memorandum of understanding. I think 13 or 15 bodies signed to put forward a joint scheme to accredit whole areas with the profession providing the expertise in the areas where they had the expertise and having a single scheme to run the disciplinary and the mechanics of it.

this is going back over old history, I know. That then was taken over. One of the requirements under that MOU was that each of the bodies would come forward with their sets of competencies that people could be judged against for accreditation purposes. That unfortunately was consumed when there was an offer from Consumer Affairs to run the scheme. We all thought that was a nice way of doing it. It fitted the public protection model a lot better than the professional bodies being heavily involved and we still all offered to provide the expertise in the accreditation side but would let the consumer complaints and that side of it be run by Consumer Affairs, which seemed to be a good fit. So we are all happy for that to occur. Unfortunately that went off the rails for one or other reason. At that stage -

Ms THORP - Weren't they told that they did not have the statutory right to conduct those? Didn't that destroy the Consumer Affairs thing; that they were not, under their statutory regulations, allowed to do it?

Mr HARPER - Yes, there was legal advice to that effect.

Mr DEAN - Some legal thing.

Mr HARPER - Some legal advice which, if the intent was there, I am sure the Government could have changed the act one way or another to make sure it did. When that fell over Engineers Australia, Board of Architects and the Royal Australian Institute of Architects formed the Building Practitioners Accreditation Council of Tasmania and put forward an application which met all the requirements. What we are seeing now was put forward in 2004 and we were advised that the scheme was compliant with the act but then told that the then minister was concerned about public interest. Suddenly the Tasmanian Compliance Corporation was accredited and started doing the work.

Mr DEAN - Thanks for that explanation, Geoff. The TCC was born and died.

CHAIR - Are there are any further questions? I think this committee has come to expect conciseness and precision and we have it yet again. Thank you for all those extra documents that you have provided to the committee.

CHAIR - If you were in a position to question Workplace Standards as to the operation of the accreditation of building practitioners, would you have any concerns and major issues that you would want to raise with them?

Mr HARPER - More than I have outlined at the moment, I would say.

I must again admit I have not read this document from cover to cover, but it does have inconsistencies in relation to the qualifications of people and everybody after the transitional provision ceased, which was meant to be six months after the introduction of the act in 2004, were meant to have an academic qualification and experience. That experience was meant to be ticked off against some set of competencies before you would accredit somebody. We think that should be the basis whereas some of these in here still talk about no formal qualification being required, however extensive experience of competencies to work within a designated scope of work must be provided. I would love to see the set of competencies for each of the areas about which they make such statements.

Mr WILKINSON - That was to change, wasn't it? As you say there was that window of opportunity to become registered under what you are saying now and that was going to be closed and there were going to be these academic qualifications et cetera after that. That is correct, isn't it?

Mr HARPER - That is correct but we are still seeing this document that has come out dated July 2008 which is not really addressing those things.

CHAIR - Thank you.

Mr HARPER - I would also probably, not that I have read the provisions in here, ask where the CPD requirements come from and why there is variation for different categories from a builder at 12 to an architect at 20 and engineers at 30. The only explanation we have received to that is that we were consulted. I assume that means consultations with the TCC but the TCC, I can assure you, did not consult us at any stage because we were seen as a rival.

Ms FORREST - Geoff, with the points allocations for the Engineers Australia CPD, the national register or whoever runs the CPD, do you have a point system and what is the requirement under that?

Mr HARPER - It is 150 hours over three years. Ours are far in advance of these, so we are not complaining about the quantum; we do not understand why.

Ms FORREST - What I am trying to establish is whether 30 points are equivalent to 150 hours, or is there no distinction between the number of points and the number of hours?

Mr HARPER - It is basically 150 hours that we look for and there is a broad range of things. There are about eight different categories of things that can go on.

Ms FORREST - You mentioned those, but is there a point system allocated to it? I am trying to find some continuity between the point system that Workplace Standards have established and whether you can you relate that to hours.

Mr HARPER - I think theirs basically relates to hours; there seems to be an expectation of 30 hours but some of the things that they list, like buying a copy of the building code, does not take an hour. That is just you get a point for buying the code so that is why they have used points not hours for some of the things like that.

Mr WILKINSON - What happens if you buy 30 of them?

Laughter.

Mr HARPER - It probably does not stop you.

Ms FORREST - That is another thing; if you get all the points in one way, as I mentioned earlier.

Ms THORP - What devious minds they have.

Ms FORREST - We have worked through the system with other professions, you see.

Mr HARPER - I am still not aware of any engineer having been subjected to an audit. We talk about an audit under the act, which is an audit of work not order of CPD. Under the act, it may have changed as I must admit I have not read the act from cover to cover recently, it used to require the audit to be conducted by a person accredited to at least the same level as the practitioner if not a higher level of practitioner. It would be very interesting to know who is doing the audits of engineers.

CHAIR - Okay, Geoff, thank you very much.

THE WITNESS WITHDREW.

Mr STEVE BRAMICH AND Mr DANILO YALI, AUSTRALIAN INSTITUTE OF BUILDING SURVEYORS, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIR (Mr Harriss) - As in the past, the whole proceedings are being recorded. You are aware of that and if at any time during our deliberations you feel there is need to give any evidence in camera, you are at liberty to make that submission to the committee and then we will decide whether that is a reasonable request, if there is any sensitive matter which you come across.

We have had your submission for a couple of months because it is a while since we reconvened, back in April. We have had the opportunity, clearly, to go through your submission. But as is always the case, it is good to get things on the public record for you to further speak to that submission. Please provide your verbal evidence and if you are comfortable, we might interrupt with questions along the way while things are current in our minds.

Mr BRAMICH - To start off, I am here in my role as State President of the Australian Institute of Building Surveyors and also as the national Vice President. Obviously, we have a very clear interest in outcomes of this inquiry. Danilo is here in his capacity as State Vice President and certainly as a committee member. Danilo and I will probably tag-team each other as we go through, but you would have seen our submission dealing with the TCC and you would be aware by now, I should imagine, that the Director of Building Control has a new scheme out which I would also like to talk about, if at all possible.

CHAIR - I cannot speak for other committee members, Steve, but I am not familiar with the detail of that. We are aware of a document produced some time ago, a new consumer framework for builders and so on. We do not know how far that has advanced. I have just printed the application form for accreditation. We have Workplace Standards coming after you to give evidence.

Mr BRAMICH - I would like to briefly touch on this because it obviously is a carry-on from the TCC perils and in my opinion there have been no lessons learnt, if I may be so up-front.

CHAIR - That is what the process like this is all about. It is your prerogative to make that kind of a judgment and those kind of comments.

Mr BRAMICH - Probably at this stage I would like to say when the TCC's gig was first brought in, to put things in a nutshell, the whole of the industry was told right from the first meeting that it would be a co-regulatory process; in other words it wouldn't be an accreditation scheme that was controlled by the Government. That was advised to us by building standards and regulations staff at the time. The whole of the industry felt that it should be a function of government, including the complaints and that type of thing, but it wasn't to be.

In relation to building surveyors, we felt that the scheme was supported by the whole of the industry on the premise that expert panels would be set up as part of the accreditation

process. That was never done. On AIBS's part we asked for a memorandum of understanding to be put in place. It was only a simple three or four page document saying who collects the paperwork, who collects the fees, who handles complaints, that type of thing. This went backwards and forwards for a few months to the point where the TCC finally admitted they did not know how to write one. We drafted one for them which included ABNs and company numbers and so on to find out that as part of their scheme the memorandum of understanding was never entered into and the TCC at the time decided to go their own merry way and use their own so-called expertise to assess all categories of practitioners.

In the case building surveyors, a David Murfett who is a private building surveyor and I certainly have nothing against David as an individual, was offered a financial remuneration to undertake the assessment on behalf of TCC of building surveyors. He did so against the advice of the national board but it was his individual choice. We have maintained all along that it should be a function of an expert panel of perhaps three people so if there is a conflict by one particular person then that person can declare that conflict. We felt it was not a smart move to have one person to do the assessments.

As a consequence there were some people who were given accreditation and we believe they should not have been given accreditation. One example is a Vere Cooper with the Devonport council who was given the old certificate of competency in 1983, I believe, and held that with those certificates of competencies. I do not know the number of questions but, let us say there were 40 questions. A practitioner or an engineer was given the option at the time to go before a committee and answer the 40 questions. For example they get six wrong, they would go away come and back again, and only answer those six questions they had wrong. Let us say they get two wrong, they can come back a third time and answer those two questions.

Ms THORP - It is called mastery learning.

Mr BRAMICH - Yes.

Ms FORREST - As a teacher you would know that.

CHAIR - The old schoolteacher coming out in you.

Ms THORP - Enough of the 'old'.

Mr BRAMICH - I spoke to this fellow when I was at the Devonport City Council as a building surveyor and he thought he should apply and I said the transitional provisions were only intended for bona fide current practitioners and you have not practised in that area for in excess of 10 years so that does not apply to you.

I went on leave and came back to find that he had applied, had been signing off on certificates of compliance as a building surveyor and practitioner because he had a tracking file number. I was not very impressed although he was given private conditions and part of those private conditions were he could only work for the Devonport City Council, could only do classes 1 to 10. What really worried me was the private condition where he had to go back to TAFE and do subjects in relation the Building Code of Australia and associated Australian standards. When he contacted TAFE to

enrol, he admitted at the time that he had not opened the Building Code of Australia for 10 years. What really worried me, as a practitioner in the building surveying profession, was the fact that he could be given accreditation to practise, doing houses and sheds, but had to go to school to learn how to do it, so he could continue to practise. To me, it just did not compute. I did discuss it with the TCC at the time before he was given accreditation. I said, 'Be very careful, this person has not practised and you may have false declarations or something there. So be very wary.'

CHAIR - Are you aware whether that was ever checked?

Mr BRAMICH - No, I could not tell you. But I did speak to Peter Rayner at the time. I did ask him and advised him very strongly to check and there were some e-mails sent and that type of thing at the time.

CHAIR - So who was the person who was given that accreditation?

Mr BRAMICH - Vere Cooper. He did apply for accreditation membership of the Australian Institute of Building Surveyors. We saw fit to only give him affiliate. That is someone who has an interest in building surveying.

CHAIR - So he was given accreditation during the transitional phase as indicated by David Murfett.

Mr BRAMICH - Yes. I would imagine that it would have to be -

CHAIR - Yes, because he was the only one picked up by the TCC for that process?

Mr BRAMICH - Yes. I was offered the job first and I naturally declined in my role as president.

Ms FORREST - Was that with 'private conditions', you called them?

Mr BRAMICH - Yes. The private conditions, which do not show up on the web site, are conditions such as you must go back to school and you can only work at Devonport City Council and that type of thing.

Ms FORREST - I am not saying whether it is right or wrong for the process to have occurred, but is it true to say the private conditions could have the benefit of identifying areas that someone needs a bit of further development in and you would hope they would not be fundamental issues, as you seem to be describing? But there could be a place for private conditions, or are you saying there is not place?

Mr BRAMICH - No, I am saying there is a place for some individuals. For example, a builder in our low-rise conditions can be restricted to only doing sheds, class 10 sheds, no bigger than the foyer, because that is all they would be doing. I certainly do not mind that type of situation. In some cases, yes, there are grounds for it. But if you are a building surveyor where some of your decisions that you make, especially if you are talking about works over 500 square metres, can involve life in the event of a fire emergency, for example, then that is an area of concern.

I will give one very quick example, if I may, from a bit of training recently by a fire engineer, Ross Murphy. It was dealing with a fire in a small disco, nightclub type of set-up in England, of 500 square metres and within 90 seconds the temperatures on the dance floor exceeded 1 000 degrees centigrade and there were over 100 people killed.

Ms FORREST - That was a few years ago, wasn't it?

Mr BRAMICH - Yes, it was a few years ago. They found out the exits were too small, doorways were locked and going in the wrong direction, so on and so forth. That is the type of thing that makes me very nervous. Hence I am a very firm believer that in any category you should have expert panels that can judge; people who ask the appropriate questions and make sure that a person is indeed as competent as they claim to be.

Mr YALI - To enforce that, I was given the benefit while I was working on the Sorell Council as the building surveyor, of having a person come in to work with me. He was accredited as a building surveyor and I asked this particular person, 'Can you work out the bracing for a house?', which is the basis of construction, and that person was not able to calculate the bracing requirements for a house. This is a building surveyor, fully unrestricted. That, I have to be honest with you, scared the crap out of me. This is a person who has actually got accreditation through the TCC process. The TCC back then was inclined to use the IBS as a means of validating their process, so they sent us a list of all the people for accreditation and asked us to make comment. The IBS was put in a situation that if we didn't make comment, we got accused of not making comment; and if we make comment we get hung - so either way.

So what we did as a group, we forwarded them a list only highlighting the people who we knew were accredited under the IBS, and we saw in that list some of these people who had applied for accreditation but should have never got accreditation. Some of those did get accreditation and are still practising today. Now, with the private conditions, nobody is aware of who they are or what they are, so as a consumer you really don't know. Us as the council, because we do validate people's accreditation and what level of credit they have, we couldn't do that either.

Mr BRAMICH - As a private building surveyor, if someone comes into the house with building plans, or whatever, and if I don't know who the designer or engineer is, then I will go onto the web site and check the register and see what restrictions or indeed accredited level they are practising at, and that's all I can do, but there is no mention in there whatsoever whether there are private conditions, or whatever.

Ms FORREST - Mr Yali, are you saying a consumer - it could be you, it could be a consumer going to the web site to choose a building practitioner at any level who can be accredited under the scheme - that it is not an even measure?

Mr YALI - No.

Ms FORREST - That just by going to someone who is accredited, they may actually not be able to fulfil that function, you're saying?

Mr YALI - Yes.

Ms FORREST - You talk about the expert panels. Is that the way to address this, or how do you see the problem being corrected?

Mr BRAMICH - I would have said the expert panels, that that could say a person is fine and unrestricted, or another should be restricted to, say, a buildings no greater than 2 000 square metres, or whatever the case may be.

Ms FORREST - So those restrictions should be evident on the web site?

Mr BRAMICH - They should.

Ms FORREST - Okay. Are those restrictions? Are they the same thing as conditions?

Mr BRAMICH - Restrictions are the same as conditions.

Ms FORREST - Restrictions don't appear on the list.

Mr BRAMICH - Private conditions, private restrictions don't. Private conditions don't show. Private conditions may be you've got three years to go and finish your certificate for a building , or something.

CHAIR - Further to that line of thought by Bruce, you've taken us back to the proposal to have a co-regulatory model, and the industry's expectation back then was that it would be a function of government. Nonetheless, we had the TCC introduced. I am looking at the TCC's flow chart of how they saw it all operating, not much, if any, of which was ever put in place. How is the process of accreditation occurring now? Are there expert panels that the Workplace Standards have set up?

Mr BRAMICH - What they've effectively done is taken the people that worked for the TCC other than the directors, and put them under the control of the Director of Building Control. They are the ones that were doing the assessment and, to my knowledge, they're still doing transitional works, accrediting people with conditions. The whole I idea was that after the transitional provisions, anybody that came into any category had to meet the relevant Australian qualifications framework criteria.

Mr YALI - Also, within this framework, or extra panels, as we call them, it becomes a transparent process, but also you would have a number of academic people like the TAFE providers, university providers, the consumer, relevant peak organisations, but also the other groups, to make sure that there is transparency and also there are checks and balances, because as far as we are aware none of the providers, especially here in Tassie, have been consulted at great length. People are simply accredited. Even with the current accreditation scheme, at the end of the day the Director of Building Control has the ultimate say. We think that may be fine, but ultimately you still need a body of people that can basically validate people's credentials because it's not just about the practical technical skills, it's also the academic validation of those people. Unless you talk to a provider, be it TAFE or university, how the hell can you validate what this person can do?

Mr BRAMICH - From this material I'm just picking an indicator - in this case I have the fire protection services builder. He says here, and I quote -

'The director may determine that a combination of qualifications and experience held by an applicant are equivalent to those required for accreditation'.

CHAIR - What page is that?

Mr BRAMICH - Page 19. It's there where it talks about the director. I would have to query what competence the director has to determine what is required in competency for a number of categories. I would have thought that expert panels would be the best way to gain adequate insight.

CHAIR - We have the department coming in immediately following you and clearly they are some of the things we will want to visit with them.

So, if the minister's guidelines were considered appropriate for the establishment of the TCC or anybody else who sought authorised body status back then, why aren't those same minister's guidelines applicable to what is occurring - how come the current accrediting body, Workplace Standards Tasmania, somehow has all the knowledge which expert panels were supposed to have provided to the TCC?

Mr BRAMICH - A very good question. I love the answer.

It would have been about a 12 months' lead-in time when we were at our meeting and the Director of Building Control said that they were assessing the accreditation scheme and that each individual organisation such as Master Builders, HIA, ourselves would be contacted and that they would work through the scheme with us. In fact what happened certainly in our case, and bear in mind that we have statutory functions under the Building Act whereby we have lawful duties to perform under the Building Act, we were given six weeks, if that, to respond to the draft of this. I am quite happy to table this; you may not have seen it at this stage -

CHAIR - Thank you.

Mr BRAMICH - We are basically saying to the director that there is not enough time to consider it; there are a number of implications involved, and so on, and to please not bring in the new scheme until the whole of industry has had a good chance to look at it and have a workshop and make sure it is what it should be.

CHAIR - Steve, that document that you have just tabled does not have a date on it. Can you, through your records, provide us with a date?

Mr BRAMICH - I would have to go through. yes.

CHAIR - Please, just in terms of the context.

Mr BRAMICH - Do you want to hold that for the time being?

CHAIR - Do you want us to keep this one?

Mr BRAMICH - Yes.

CHAIR - Okay, thanks.

Mr BRAMICH - I have the details here.

CHAIR - If you would not mind communicating with Sue via e-mail and identifying for us the date, and you probably have it in that letter, that you were made aware that the changes were going to be brought in and the response date so that we can see that window which was provided to you, please.

Mr BRAMICH - I will chase that up tomorrow.

CHAIR - Thank you.

Mr BRAMICH - As I said, there was very little chance to comment. There are a number of significant items there that we thought merited looking into. There was certainly inadequate consultation on our part but, once again, no expert panels asked for.

The new scheme is saying that here is another bite of transitional provisions and we are taking builders who have only done houses and can now class C buildings, which can go to two storeys depending on the type of building, up to 2 000 square metres. That brings in a whole gamut of experience that is required for life safety issues and that type of thing, and unless that person is competent - for example, on page 16 where it talks about progression, and qualifications, experience and competence:

'In recognition of the traditional progression of builders from smaller, less complicated building projects to more complicated projects, an accredited builder who demonstrates the achievement of 60 per cent of the required competencies from the next-highest category - medium rise or open - and who has five or more years' experience as a responsible builder, may be granted an additional provisional accreditation at the level above his current accreditation. Recently accredited practitioners may be subject to increased levels of audits'.

That, to me, is like saying that you only know 60 per cent of the road rules but you can go drive your motor car anyway. It is frightening, from a professional point of view.

I can tell you some simple stories like the so-called accredited open-rise builder whom we picked up and told him he needed to provide stable doors and so on and that doorways needed to be 800 mm as a minimum clear. He did all that internally but did not worry about the external doors. These were basic, narrow external doors and he was not very happy when we rejected it. When we pointed out that he was an accredited builder and supposed to be competent; surely common sense would say that if you provide wide doors internally then you must provide the same to get into a building. The owner was not particularly happy in that case because I think he scored about \$2 000.

That is the sort of thing that happens and when you get cases where there are life safety features involved, such as fire sprinklers and detection systems. That is a real concern when you ask for 60 per cent.

Mr YALI - As building surveyors we are asked to apply legislative provisions from the Building Act so we are like regulators. Yet through the consultation process we do not get much of a bite of the cherry at all, not even for pre-draft legislation.

In that meeting that we had with Roy Ormerod's office to get everything direct to building control we were assured that before the accreditation came in they would also look at people's accreditation, which would seem to be devious under the TCC when it was issued but, as we understand it, that has never taken place. Now we have repercussions for builders with some of the other professions that have been upskilled. This was another grand failure in the process and we are wondering when it is all going to stop. Who is checking whom? What ability is there for the system? What confidence have they been giving to the consumer as a whole? All these things have taken place and yet they are asking us to regulate this sort of stuff at the same time. In fact, we basically have become the checkers, with which we do not have trouble with, providing there is a strong legislation to give us to put into effect.

Mr BRAMICH - Bear in mind we have had at the same time no effective complaints mechanism in place at the moment. There is now with housing no housing indemnity insurance and I think the consumer is not that well protected at the moment.

We do notice that in this new scheme it talks about engineers and architects with engineers on the National Practising Engineers Register and the architects are on their national register. That is deemed enough for them to gain accreditation.

We argued the case as to why that should not apply to building surveyors where we have a national scheme in place and a national expert panel, for want of a better word, that reviews people. The building surveyor and practitioner in Hobart, Helen Daly is accredited by the AIBS as certainly having academic qualifications and experience. The director of building control accreditation people knocked this application back initially.

Ms FORREST - On what grounds?

Mr BRAMICH - They said she did not have enough experience. We argued the case that she had been judged by her peers as being competent and suitably qualified under our national accreditation framework that has been signed off by all States. We also planned to lodge a complaint and take it to the powers that be to see the outcome.

CHAIR - Was been recent?

Mr BRAMICH - It was probably less than 12 months ago, I reckon.

CHAIR - Who was that person?

Mr BRAMICH - Helen Daly. She now works as an architect but this was when she was working as a building surveyor -

CHAIR - Are you aware whether Workplace Standards, the current accrediting body, consulted anybody to satisfy themselves of her competence?

Mr BRAMICH - No, they did not. They will provide a copy of their certificate but that is all. I wrote a letter as State President warning them to be careful that this person had been judged by the AIBS accreditation committee et cetera, and if necessary we will support this person lodging an appeal against their decision.

CHAIR - Are you further aware as to what processes Workplace Standards do engage to access competency for building surveyors?

Mr BRAMICH - They just do it, from what I understand, purely in-house. And to my knowledge there is no consultation with any expert panel or professional organisation or whatever.

CHAIR - Is there an oral examination of anybody?

Mr BRAMICH - Not that I am aware of and at the time they had no appeal mechanism in place either.

CHAIR - Have you spoken to Workplace Standards and made a submission to them and ask them as to what process they do use for accrediting building surveyors?

Mr BRAMICH - Not since the TCC days, no.

Mr YALI - That was not done because when we had that meeting after the demise of the TCC they assured us they would take on board the same processes that the TCC was supposed to put in place and this was a grouch from the expert panels. So we left it at that and we are still waiting for that to happen.

It has become quite apparent too, under this new accreditation system, where the building surveyors accreditation framework is not recognised through the scheme in Tassie. Yet we are one of the first bodies to have established accreditation back in 1993 in Australia.

Ms FORREST - Is that scheme based on competencies?

Mr BRAMICH - Yes, it is. If you have a look at the back of the submission to head office that is the national accreditation framework.

Ms FORREST - That did not photocopy terribly well so it is a bit hard to read.

Mr BRAMICH - Okay. That gives two categories certified level 1 which is unrestricted university degree-qualified building surveyor and your level 2 which is your advanced diploma-level; they can do three storeys and 2 000 square meters.

Ms FORREST - I appreciate that, but do you have a more broad range in competency framework -

Mr YALI - There is.

Ms FORREST - that is the guide to this, isn't it?

Mr BRAMICH - Yes there is a whole -

Ms FORREST - That is what I am trying to clarify, so it is quite an extensive process.

Mr BRAMICH - Yes, and part of that is we have an educational committee and there are certain building surveying courses throughout the country that are accredited.

Ms FORREST - Okay, that is fine, thanks.

Mr YALI - However, this scheme does recognise the accreditation framework for architects and engineers. Our question is, why aren't building surveyors recognised at the end of the day? Have we done something wrong?

CHAIR - Danilo, you are saying clearly that application form that Steve has in front of him, Screening for the Accreditation of Building Practitioners July 2008, allows Workplace Standards to accept the registration process of architects and engineers -

Mr BRAMICH - Correct; without further assessment.

CHAIR - Without further assessment?

Mr BRAMICH - And we are saying, why can that not apply to AIBS building surveyors? We have fairly rigorous criteria in our own code of conduct and our CPD scheme that goes with it offers the whole box and dice. The CPD scheme itself has been accepted by the director but our scheme does not appear to be an accreditation scheme. What we are saying is surely, if you have engineers and architects and ourselves as building surveyors, in reality you should not need further assessment other than insurance, which is very minor. Why can they not be accredited for a very minor fee of say \$50, or whatever covers it costs and what it would require.

CHAIR - You mentioned with regard Helen Daly that there was no appeal mechanism -

Mr BRAMICH - That was stated to Helen that there was no appeal mechanism and they had never had an appeal.

CHAIR - We will investigate this with Workplace Standards. If there is no appeal mechanism -

Mr BRAMICH - In place at the time; whether they have one now I do not know.

CHAIR - Yes, we would need to understand what process they use, if a person fails their assessment, for that person to come back.

Mr BRAMICH - That scheme outlines our process.

CHAIR - This one?

Mr BRAMICH - No, the old TCC.

CHAIR - The TCC?

Mr BRAMICH - Yes, outlined a process.

CHAIR - Yes, none of which was put in place.

Mr BRAMICH - No. That table which you have is what had industry support but it was never done.

CHAIR - Yes, flow chart, appeal boards and all sorts of things.

Mr BRAMICH - Yes.

CHAIR - On your assessment was this process, as proposed by TCC, a reasonably robust process?

Mr BRAMICH - Yes it was. We took the view that it had all the checks and balances in place although it might need to be fine tuned. As you go down the path you might find shortcomings or whatever, which is not unusual with legislation or any new process.

CHAIR - So that is not a bad model?

Mr BRAMICH - No; if it had been put in, no.

CHAIR - From the discussions we have been having with you now, can I assume then that in the fifth paragraph of your submission you give the reason that the approved accreditation scheme has only been partly implemented and not that well?

Mr BRAMICH - Yes.

CHAIR - Okay, thank you.

Mr BRAMICH - I have read through that scheme and found there is no appeal mechanism process or anything.

CHAIR - Yes, we have finished interrupting where you have taken us so far, if you would like to proceed.

Mr YALI - Would it be fair at this stage to go through the recommendations of the submission that was given to you?

CHAIR - Yes, that is fine, by all means.

Mr YALI - We discussed at length recommendation number 1 in relation to expert panels and we see the benefit of that for the industry, but also what it does is give commitment to the industry. What we have seen happening to date is that whoever has the biggest lobby power gets what they want; that is what it appears to be.

Mr BRAMICH - An example of that might be - and I know it is nothing to do with this committee - the demise of the housing indemnity insurance. No-one is disputing that was a terrible insurance and only the insurance people benefited from it, but I heard a

story that was doing the rounds and I cannot verify whether it is true or false. It was suggested that this insurance was brought in through the fact that Honey Bacon at the time had problems with the installation of her kitchen and unsatisfactory workmanship and that Steve Kons had had a look and agreed that it was not really good and tried to get rectification through the insurance scheme without success. Whether that is true or false I don't know, but that sort of story does not do anybody any favours.

Mr YALI - Number 2, we will keep saying forever that any such scheme should always rest with the State Government; it should never go to private enterprise because of all the problems we saw with the TCC.

Mr BRAMICH - We were there right at the start and as a bit of background I was president for some time. I think Jim Cox was then the responsible minister and we advised him to have a look at the Queensland model under the Building Services Authority and also the Building Commission. In our opinion, the Building Services Authority model was probably better than the Building Commission at the time and something between the two may have been the perfect answer.

CHAIR - Of course, you would be aware, Steve, that the Building Services Authority model is a total package. It is housing indemnity as well as building registration within one authority, so they have both the stick and the carrot.

Mr BRAMICH - Yes.

Mr YALI - Again, under our framework we expected that to be signed off not just the director of the Building Control Board but also by all the players within the industry. Again, this is about transparency of the process.

Private conditions, as we explained before, should not be used or if they are should be made available to the public so they can be checked by building surveyors and the people will make an application to us for a D11 certificate of paperwork.

Also, in relation to the auditors we believe they should be people who have formal tertiary qualifications from a recognised educational institution. We find that auditing has to be one of what I will call sticks of the legislation, for want of a better word, to give credibility to the person who does the audit. This person should not be just someone who walks off the street at the end of the day.

Also, we believe that for the building surveyor's part of it there should really be a building surveyor who becomes involved with the auditing process, because one could truly say that for any auditor it is a big task to try to get them to have an understanding of the whole industry and how everything works.

Ms FORREST - Wouldn't that be true of all jurisdictions like the architects, engineers?

Mr YALI - Yes.

Ms FORREST - You would be very unlikely to get all the skills in one person -

Mr YALI - Sure.

Ms FORREST - So are you talking about having one auditor or various auditors for the various areas?

Mr YALI - What we envisage is that through the expert panel they will come into play. The auditor can seek the assistance of the expert panel as part of the auditing process.

Ms FORREST - So are you saying you would have one auditor but they second the expert panel as needed?

Mr YALI - Yes.

Ms FORREST - Right, okay.

Mr YALI - You would therefore have that real representation at the end of the day. We have found that the audits to date that have been carried out are mainly paperwork audits and that is not where the real damage occurs. The damage occurs in the technical audit and that is when the real problems are going to be found.

Also, we found that the auditing parameters should include both technical and construction but also be done in consultation with all the relevant bodies. Again, because that would encompass those who best know what we should be auditing on it is the expert practitioners themselves who should become part of a real auditing system. Also, we find it does, as part of the consultative process, send a clear message to every respective member of the organisation that in the near future they may be audited. It becomes an educational process at the same time and it makes people take ownership of that process.

Ms FORREST - On that point, there has been comment and criticism in the past about peers reviewing each other, like doctors investigating doctors, et cetera. No-one understands the profession better than someone who is in it, obviously, but do you believe there is enough transparency in that and enough rigour to be sure we are not -

Mr BRAMICH - I would envisage, let us say you are the auditor and go along to audit Paul and you know Paul is a building surveyor. I would go along as your offsider to explain the process to you -

Ms FORREST - Do you still have that independent person as part of the process, is that what you are suggesting?

Mr BRAMICH - Yes.

Mr YALI - Really you use the technical professional to source that expertise as part of the process, because at the end of the day when things become, for want of a better word, dodgy you can always go back to this independent body or the reference panels and obviously that is all going to be put on paper.

Mr BRAMICH - To my knowledge the only audits that have been done to date have been around owner-builders and desktop audits on insurance and CPDs.

One of the problems is that, under the scheme and under the Building Act, no practitioner has to belong to a professional body. That is a decision that each person makes. Where the problem and the difference come in is that you will have engineers, architects, ourselves and whatever professional organisations you are accredited with stipulating you must meet certain criteria with the relevant continuing professional development scheme.

At the moment we have a building surveyor who is not a member of our institute and it is their lawful right not to be. Who assesses their CPD to make sure it is relevant to a building surveyor? Who ensures that they meet the 30 points per annum that is required in this scheme? To me if you are a professional body and you have a CPD scheme for that particular category then everybody should be working and meeting the same criteria so you do not have a lesser requirement, a lesser standard compared to the industry or the organisational requirement

Mr YALI - The other one would have been biased towards Tasmania, condition number 7.

Also, Tasmania provides the bulk of education for building surveyors as well as interstate up to assisting building surveyor level, under the national accreditation framework -

Mr BRAMICH - Probably just to go on from there. One of the things that you may or may not be aware of is that TAFE Tasmania has the only accredited courses for building surveying in their apprentice diploma and advanced diploma in Tasmania.

Ms FORREST - In Australia.

Mr BRAMICH - Yes, in Australia accredited. And Steve Jeffes who is the coordinator for that is also on our national accreditation body and looks at university courses and that sort of things.

Mr YALI - The course, I remember I went through the process myself, was designed by building surveyors for the components that applied to building surveyors themselves. They were quite strict because for a long period people were not aware what we did as a profession and there is still a lack of understanding in that people do not know fully what we do. We found a lot of the courses were basically run by taking subjects from builders courses or accounting courses which did not really address what we did as a profession, so we got to together as a group and determined what we do and the course was tailored to that.

Australia-wide all courses have to go through the same process. We basically look at them and see if we can give those courses accreditation so when they do get our accreditation we are satisfied that they have basically met these criteria. Also, what it does is it provides a good industry liaison between the education providers and also the industry which are the practitioners. It also ensures that we keep moving forward.

Also, the auditor should be registered under the AIQS. Again, the auditors themselves have to be accountable because if they are not toeing the line they have to be turfed out basically. Again, you have to give everything transparency and accountability.

Also, the compliance tribunal should be made a representative of industry practitioners with expert panels. This could be a similar process.

The cost for associated practitioners - again that is basically what Steve highlighted earlier, where a practitioner has already national accreditation through a recognised body this should not incur the same fees when they are up for re-accreditation through the Tasmanian model.

Mr BRAMICH - To me all this - proof of membership, proof of accreditation and proof of insurance - is just a photocopy, signed in front of a JP and saying there it all is.

Mr YALI - AIQS qualifications should be clearly defined. We find that on a national level there seems to be different institutions providing a different set of training or saying to people - even building surveying - 'If you do this course, you will be okay'. We are forever trying to advise our members, 'Be careful of which course you do. If you do this course you might not get accreditation because it is not recognised'.

Mr BRAMICH - And it may not be transportable.

Mr YALI - Between States.

Number 12, I don't know how hard it is going to be to achieve, but we basically claim that the Department of Justice in collaboration with other States work together to have a nationally recognised accreditation register to ensure that if a building practitioner practises here, they should be able to practise in another State, provided they meet certain criteria. Working for a council, I often find that practitioners who work from interstate don't perform that well within this State here. It makes me wonder how building standard regulation checks these people's credentials. One of the examples they give me is the Elwick Racecourse where we had two practitioners from interstate who had no idea how the Tasmanian system worked. They issued the building permit and allowed them to start work, whereas the reality is that the councils themselves issue the permit here in Tasmania, not what happens in Victoria.

Ms FORREST - So you would have to have totally nationally-consistent legislation?

Mr YALI - You do.

Mr BRAMICH - Which is a big ask. The Building Act here was based on the model building act that was developed in the early 1990s.

Mr YALI - If you can have a building code of Australia that is nationally recognised and we still have appendixes that are pertinent to each State, each time they get lesser and lesser, why the hell can't we have a national system that applies? Builders are no longer just locked into one State; they do go from State to State. That is just a reality of life. When industry dries up in one State they move to another State.

Ms FORREST - They can work in two States at any one time - not exactly at the same time obviously, but a week here and a week there.

Mr DEAN - State legislation is gradually moving that way, to national legislation in many areas - the Traffic Code is a good example of that - for the purposes of portability to take expertise across State borders.

Mr YALI - I know it is a big ask but there is still sovereignty of each State. Each State is reluctant to relinquish that sovereignty.

The last one is that we are asking for a national accreditation framework to be recognised by the Department of Justice. We have a national accreditation system put in place.

Mr BRAMICH - And that was signed off by all ministers way back.

Mr WILKINSON - What are other States doing?

Mr BRAMICH - South Australia recognises AIBS; National Accreditation Standards, Queensland; the Department of Defence do. I am putting my national vice-president hat on at the moment. It appears as of a week ago that New South Wales is going to recognise AIBS. Currently Western Australia is in the process of introducing a new building act and we think they are also going to accept AIBS accreditation. So New South Wales and Western Australia are very close as well.

CHAIR - Steve, when you say that is what is happening interstate, is that because they also require the registration/accreditation of building surveyors as part of the process?

Mr BRAMICH - They are similar to what we do here. One of the problems that New South Wales has at the moment is if you work privately you must have accreditation or licensing. That is done through the Building Practitioners Board. They will recognise AIBS accreditation to assist them. Those who work for councils didn't require accreditation. What they have done recently is change that so that all practitioners, like building surveying, must now be accredited. They used an old scheme, which we canned six or seven years ago, and put it into liquidation. They have now recognised that the AIBS scheme in its current format is what they expect.

CHAIR - Steve, just now you mentioned that the principles of recommendation 13 had been agreed by all State ministers. Can you get us a reference to that?

Mr BRAMICH - It was somewhere around 1992.

CHAIR - We will make some of our own inquiries.

Mr BRAMICH - I know it was done through the ABC, but I can try to track that down and talk to different people.

CHAIR - Workplace Standards might be able to give us a quick heads-up on that. If we find it, we will let you know.

Mr BRAMICH - I am not sure whether Graham Hutt is coming in this afternoon or not.

CHAIR - He is not listed.

Mr BRAMICH - He is on the board at ABC but I can contact him.

CHAIR - Thank you.

Mr YALI - There is one final thing I would like to say in relation to CPD through this whole process. The whole point of having a CPD is to ensure that people maintain their current accreditation and also that the CPD that is done is actually current to what the industry is doing. Too often you hear rumours in the industry that people can gain accreditation in just about anything.

I am going to wear a different hat at the moment. I sit on the Tasmanian Building and Construction Industry Training Board as a board member and we are trying to convince BSR, I guess, that there really should be more of a collaborative approach in relation to CPD because one of the functions of the Director of Building Control under the Building Act is that they are supposed to facilitate training. There is no reason CPD should be done in collaboration with the industry as a whole rather than have, I guess I would call them - I don't know whether this is the right term in use in Parliament - piss-weak CPD provisions -

CHAIR - That is not a bad parliamentary term.

Laughter.

Ms FORREST - I reckon we could use that later on.

Mr YALI - where people can be given CPD for just attending a barbecue, a seminar or a function.

Mr BRAMICH - To give an example, HIA will give you one point for each time they give you a monthly magazine. Whether you read it or not is beside the point.

Ms FORREST - So there is no requirement currently to accept points from a range of sources? In some other schemes that I am aware of, it might be conducting a piece of research and you have to 30 per cent of your work in that area, 20 per cent has to be in educational activities, 10 per cent has to be in subscribing to journals, or whatever. Is there nothing currently -

Mr YALI - There is that.

Mr BRAMICH - AIBS in the professional organisations do have something, yes.

Ms FORREST - In AIBS there is but not under the current framework at Workplace Standards.

Mr BRAMICH - I do not think so because you can go to meetings -

Mr YALI - Under the Director of Building Control there is a very generic one. It is not really, I guess, addressing what industry needs because when we went - again, wearing a different hat - to different seminars around the State, we asked industry and members to tell us what they wanted. Most of them were basically saying, 'Make the CPD relevant,

make it to what we actually need'. We found that there are common themes out there, things like legislation, you have proper process, how much good interaction there is between the bodies of professionals because, as you aware, nowadays everybody is so damned easy that they do not have time to look over their shoulder and they do not have much appreciation, like we used to have in the old days.

Mr BRAMICH - One of the examples we used when we talked to Mr Llewellyn, I think it was, is that if shortcomings are found in the building industry - and let's say wet areas, for example - then you should have mandatory continuing professional development in wet areas.

Ms FORREST - Are you saying that perhaps for a year that a component of your CPD must include an update on wet areas and perhaps firewalls or whatever?

Mr BRAMICH - It may be. So if a common fault is discovered -

Ms THORP - That was a hypothetical?

Mr BRAMICH - Yes, a hypothetical, or it might be sub-floor ventilations, stairs, balustrading, or whatever. If there is a problem that is identified -

Ms THORP - A cracked coating on some of these new -

Mr BRAMICH - Yes, or articulated joints, and things like that, then let's do mandatory CPD training on that so you know what it is all about.

Mr YALI - It should be linked to the auditing process, because if you do find common themes, which you will through the auditing processes, that is where it should be linked through the educational process, so you have a real advancement. Otherwise you are going to have a recurrence of the same problems.

Mr BRAMICH - Even on a building site, for example, when I was with the TCC I was appointed investigator for them on complaints regarding builders, notoriously dealing with variations - no forms of the variation. Yet for master builders you get a formal document that says we vary a contract and both parties sign, and things like that that could help the whole of the industry. We had a meeting with Roy Ormerod and whoever, and - true story - it was the whole of industry sitting around and at the time Minister Kons had proposed the fees for accreditation of \$400 and part of that fee was mandatory subscription to the BCA, the Building Code of Australia, which I thought was a very good idea. Stuart Clues from the HIA stood up and thumped the table and said, 'My members do not need the Building Code of Australia. If they need to know something, we will ask our designer or building surveyor'. To this day we are constantly getting questions, 'What is the maximum rise in stairs?', 'How high do balustrades have to be?', 'What is the head height for stairs?' - and these are accredited people.

Mr WILKINSON - It is interesting going up that Argyle Street car park. Every floor has eight stairs on in, except for one, which has nine or 10.

Ms FORREST - Very good quality control.

Mr WILKINSON - I was counting them on the run up. I had to go up to 11, so I was counting them.

Mr YALI - We will have to go and report this now, Steve.

Mr BRAMICH - I believe there is room for vast improvement. The blueprint for the whole TCC scheme, if it had been implemented properly and tweaked where there were any shortcomings identified, would have been quite good, I think, but once again it should have been under government control right from day one. If you couple that with expert panels and a lot more industry involvement with the Industry Council assisting, I think you would lift the profession. You would need to also enforce compulsory CPD training in areas of concern or various category and so on.

CHAIR - Do your institute members get access to the funds that the Industry Training Board holds to provide training?

Mr YALI - No, that is one of the bugbears with us at the moment. We're heading a committee group at the moment. We will be basically trying to source some government funding to ensure that long term we have access to the Industry Training Board. At the moment there are questions as to what can be levied. What seems to happen within the industry is that the only levy that people pay is for the building work, not the design face of the work. So people spend up to, say, \$15 000 or \$20 000 for design work and that amount doesn't get levied. Therefore some of these practitioners are not part of that process. We are saying that they should be part of that process and that amount should be leviable. By the same token, we see nothing wrong in being able to access some of that funding, not only through the Industry Training Board but also from Business Standards and Regulations. We are paying a hefty amount for accreditation.

Mr BRAMICH - In 2003 I did a presentation to the Industry Training Board to try to get an assistant on that board and the argument I used at the time was that in our role as building surveyors one of our major roles is one of education. If we are doing our job properly, we should know when legislation is about to change or has changed or whatever, and we should be telling other practitioners and enforcing it. It was very union-dominated at the time and that has since been changed. We now have another one on the board.

CHAIR - Is that as an AIBS representative?

Mr YALI - No, it is a representative from the professionals.

CHAIR - Across a broader range.

Mr BRAMICH - There is a mentality within the board which has been there for years and very strongly held by HIA and MBA, that to get access to the training funds you must wear a nail bag.

CHAIR - Yet, as one would acknowledge, the members of those associations don't actually pay the training levy because they factor it into their pricing and charge their client.

Mr YALI - Yes, that's right.

CHAIR - So it is the consumer who is paying the industry training levy and the consumer is paying the building levy, which we might ask Mr Ormerod about later, as to whether you might be able to access some of those funds for CPD.

Mr YALI - We certainly would like to access those funds. We did have a previous meeting with Mr Roy Ormerod.

Mr BRAMICH - I'll give you an example, coming up on 3 October - Part J of the Building Code which deals with energy efficiency for classes 2 to 9. There are very few building surveyors who understand that area well enough to enforce, myself included. It is a very confusing part of the Building Code. We have an expert coming over from Victoria, who is going to cost us \$1 500 for the day. Why can't we get that sort of training funded by whoever?

Ms THORP - Do you cover the areas such as water reuse, grey water reuse?

Mr BRAMICH - No.

Ms THORP - That all comes under plumbing, does it?

Mr BRAMICH - Yes.

Mr YALI - We building surveyors are regulators, at the end of the day. We basically make sure the legislation gets carried out. We are checkers, we make sure everybody does the right thing at the end of the day. We also play a very strong educational role. We take it on board - we would like to be an extension of that further when we are given the resources to facilitate that more broadly. The knowledge base is there. We do have an ageing population of building surveyors; some of us have been in there probably 20 or 30 years. That is something you can't just buy off the streets.

Mr BRAMICH - Our average age is pushing towards the 50s.

Mr YALI - Yes, 55 would be close.

Mr BRAMICH - It is very hard to try to get people in. To be a building surveyor have to go through Queensland University. Apart from learning the job, it is a six-year course.

CHAIR - Is that by distance learning?

Mr BRAMICH - Yes. Whichever way you went you would be looking at about six years, coupled with three years' experience. It is very hard to convince people to go back to school for six years.

CHAIR - The \$200 000 salary package might be an enticement.

Mr BRAMICH - I wish.

Laughter.

CHAIR - Anything further that you need to add, gentlemen?

Mr YALI - Thanks very much for giving us the opportunity to come and make this presentation.

CHAIR - Thank you very much for coming along.

THE WITNESSES WITHDREW.

Mr ROY ORMEROD, GENERAL MANAGER, WORKPLACE STANDARDS TASMANIA, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR (Mr Harriss) - Roy, you are more than familiar with the processes that occur at these select committees. You would be aware that we would want to discuss with you the process as it now occurs since Workplace Standards has taken over the accreditation of building practitioners. I don't think other members have a copy of this document. I printed it off at lunchtime because the architects and engineers were waving it around when they gave evidence to us this morning. We would want to address our minds to that.

Could you give us an overview, first of all, as to how things have been going for the last 18 months since your department took over the accreditation of building practitioners, whether you have similar numbers being accredited, whether there has been a great expanse of that or a reduction?

Mr ORMEROD - As you know, I think we took over in November 2006. We had sufficient funding to cover the staffing to 1 July 2007 and then we moved on to issuing accounts and receiving payments from building practitioners from thereon in.

Mr WILKINSON - It seems to me that the resourcing needs to be beefed up quite markedly in your area. Is that right?

Mr ORMEROD - I think anywhere you go it is always nice to have more money. Compared to where I came from, there is a lot of money there. Mind you, the problems are much broader and more complex as well. I honestly believe that there are a lot of practices out there that are not contemporary - practices within Workplaces Standards. I think it is a bit old-fashioned, very much an office-based, paper-based organisation. This is no secret, I have been making these comments quite openly. It has been a push my end to try to get these people out to do what they are paid to do, and that is get out in the field, be seen, spread the message and enforce the legislation. I don't think a lot of them have had any proper training on how to identify breaches. If you had a mix - we would help a person out, 'Don't worry, mate, we'll fix it for you' or 'We'll show you how to fix it', to the other who would try to jump on the first thing that moves. They are the two extremes and we are trying to get people back.

One of the initiatives is that I have them into laptops now that they can take into the field and issue notices on the spot. Previously, if there was a problem, they had to go back to work, fill out the form, get a notice done and go back and serve it the next day. All these things add to the overall cost without producing any real increase in productivity. I think we can be quite effective out there in a whole range of areas, building accreditation as well as OH&S, with what we have, if we get smarter in how we apply it.

I am mindful that there is only so much in the taxpayers' cake that is available and if we want to put in more it means someone else suffers, so I try to do the right thing.

Ms FORREST - On that point, Roy, is it your belief that with a change in approach and moving into the next century perhaps with IT and things like that, that your resources will be adequate to get out there and do the work?

Mr ORMEROD - I think so, yes.

Ms FORREST - Are you talking about a cultural shift within the current work force, and is that happening?

Mr ORMEROD - Yes, it is, it is slowly changing. Over the last 12 months I have sat down with each inspector one on one and talked to them and asked, 'What stops you from doing your job? What do you think you need?' Together with that, I have been talking to the managers of the various branches. For instance, with mine safety, we had Fred Sears locked away for two years doing a prosecution into three deaths at Renison. What a waste of resources. The investigation was necessary but it was best given to someone who knows how to build a case. It is an expert area, so you don't have your engineer bogged down doing the paperwork. We have now changed the process, which means - let us hope it never happens again - if there is a death anywhere in the workplace, we will have a team of people who will be specialists in producing a causation report and developing the prosecution and experts such as Fred can continue the job they are paid to do. They are the sorts of changes we could make, I think, that could make a big difference.

CHAIR - Roy, you just mentioned that you had sufficient funds to conduct what was required of you for that seven to eight-month period. Was that \$143 239 provided to you by the TCC sufficient?

Mr ORMEROD - Strictly, it was sufficient to cover the costs of the people that we transferred across. What certainly helped was the fact that a number of building practitioners were holding back on payments because of that period of controversy and doubt about the future of the scheme. When they came across to us we had an influx of funds, too, and that certainly helped to cover what we call the non-salary costs associated with running an organisation. A lot of it was fixed in our building anyway, rent is covered, hydro is covered et cetera, but it helped a lot.

CHAIR - As you have said, a lot of practitioners held back payment because they knew from publicity that the TCC was likely to be disbanded and they were saying, 'We're not giving our money to them'. Then they applied for a renewal of their accreditation to your body and that provided an extra boost in funds that you hadn't expected.

Mr ORMEROD - No. We expected a little bit, but we didn't expect as much. I don't have the actual figures but I could get them for you.

CHAIR - That is okay, it's immaterial. What is material, so far as I am concerned, is the negotiation of that \$143 000. Previously this committee has heard that that was in no way enough to administer the process of building accreditation but you are saying it was.

Mr ORMEROD - It covered the salaries. I think there was a simple formula - and obviously I had no input into that - and when I looked at the figures at the end that equated to the

3.8 FTEs who came across; it paid for them. Being mindful that building accreditation was only a small part of administration of the Building Act anyway.

CHAIR - So strictly on building accreditation then, if I extrapolate that \$143 000 to an annual figure, it comes to about \$215 000, are you clearly telling the committee that \$215 000 pays the salaries of the 3.8 FTEs?

Mr ORMEROD - Based upon the figures I had, yes.

Mr DEAN - You just mentioned that a lot of the builders had withheld their payments and those payments have all come in now.

Mr ORMEROD - Yes, they have. It has been quite smooth. We had our challenges. Had their not been those negotiations, to take it through the eyes of the regulator, if we had said you have the accreditation of building practitioners and then you have nothing. You don't have the database, you have nothing, and we would have been in trouble. There would have been builders who had a certificate saying they were accredited and we wouldn't know who they are. That would have presented a real challenge. From my position, it was good that we had that transferred across and also getting the staff across. It meant that the process that works these things so far as the average building practitioner who only wants to pay his or her money and get on with the job of doing what they're paid to do. From that point of view, it worked successfully.

Mr DEAN - If I heard you right, you were saying that more has come in than you expected.

Mr ORMEROD - Yes, that's correct.

Mr DEAN - What is the reason for that? Do you believe that there is more confidence in this process moving forward? Is that perhaps the reason for it?

Mr ORMEROD - I think there's a mixture. There would have been that, for sure. I think also, because there was that doubt, as Mr Harriss said, with publicity about the TCC and what is going to happen, are they going to fold up, 'I don't see why I should pay this money to these people because it's not going to be here tomorrow'. All those I think were influencing factors. I think the for person on the street, the actual building practitioner, at the end of the day I think their only concern was that they got the ticket to say they could do what they wanted to do.

Mr DEAN - So there would be more registered now through the system than there previously were at the last period with the TCC?

Mr ORMEROD - I am not sure. I have some figures here for how much money we're making. As at 7 August 2008, we have 2 445 building practitioners who have a total of 3 632 categories; some have more than one category. As at the same date, 1 741 of those 2 445 were in the builder categories, domestic and commercial builders. They certainly form the lion's share of the accreditations scheme.

Ms FORREST - Do you know how that compares with the numbers that were registered with the TCC?

Mr ORMEROD - I can find out for you.

CHAIR - I have some other matters specifically on this concerning that process of changeover. Am I correct in recalling that most renewals fell on 1 July, or they expired on 30 June, in any year?

Mr ORMEROD - That was the case then, yes, that is correct.

CHAIR - Also, the deed of release between the TCC and the Crown is dated 25 September 2006, but there had been a fair amount of publicity leading up to the signing of that deed and the settlement process so that you could take over on 1 November 2006. Are you aware of any circumstances where the TCC, in either June or July or there about, gave any specific impression to accredited building practitioners that they had better pay up because they are expired? You can see where that might be leading, so that TCC's coffers could be swelled, pending the execution of their process.

Mr ORMEROD - I am not aware of any of that activity. I guess the person who would know would be Peter Rayner who is a registrar.

CHAIR - Is he still with you?

Mr ORMEROD - Yes, he is.

CHAIR - What processes did you use at the time when you took over to satisfy yourself that everything had been done properly by the TCC in that interim period, from the time that publicity started until the time that their commission was withdrawn?

Mr ORMEROD - I do not recall that there was anything in particular to see what was done in, that time between the two periods, nothing certainly that was planned, from my point of view. We were keen for this transfer. We had a question put to us as to whether the money that we received after November and up until 30 June, in fact, was our money, but it could have belonged to TCC. There was one school of thought that any money we received from building practitioners up until to 30 June belongs to the TCC.

CHAIR - This is to 30 June 2007?

Mr ORMEROD - That is right.

CHAIR - Who put that proposition to you?

Mr ORMEROD - I do not know. It might have been one of the staff. I cannot recall, but I contacted John White and said, 'There is this question about this money, what do you think?' He said, 'No, my view is, any money you receive from the date we hand over is yours.' So that put the whole thing to bed. It meant that one of the principals had that view and as far as I was concerned we did not need to go any further with this. So we let it go. I think someone was looking to getting legal advice and I suggested that it was not worth it because do not ask if you do not need to.

CHAIR - That is right, one of the principals of the company had said that there was no issue.

Mr ORMEROD - Yes, that is right.

CHAIR - You mentioned Peter Rayner is still with you as the registrar on matters of staffing. Do you still have all the same staff?

Mr ORMEROD - We do, yes.

CHAIR - The four people you quoted as 3.8 FTEs?

Mr ORMEROD - That is correct. They were transferred at the salary they were on before and we maintained their salary structure.

CHAIR - Are you still running at 3.8 FTEs?

Mr ORMEROD - No, we have put on more because we put on people to process owner-builder applications. We put on an auditor and a second auditor is about to come on because we have to ramp up our activities out in the field. From the point of view of pure processing, that has not increased, but all we need around it to make the scheme effective has been bumped up substantially.

CHAIR - Could you provide the committee with some detail, if you do not have it here, maybe in written form, as to what the staffing structure is, to not only deliver the accreditation assessment but the ancillary?

Mr ORMEROD - I will give you this document because these are some briefings that I was given and might be useful. It is a dot-point summary but it is helpful. I will refer to it. One of the TCC functions that is now under our control is a cost-recovery model and it was considered 6.5 FTEs were required to facilitate all the function of accreditation, process and scheme. The following are yet to be filled: verification officer, 0.5, a CPD assessor and a building practitioner auditor, that is 2.5.

Ms FORREST - Is that 2.5 in total, Roy?

Mr ORMEROD - That is 2.5 FTEs in total.

Ms FORREST - That is including your verification officer?

Mr ORMEROD - They are the ones we have not filled, that is right. But we currently have on board, a director of building control, 0.5 because we portion part of his role and cost to other areas, 0.5 for a verification officer, 1 FTE for a building practitioner assessor/auditor and a CPD - that is what I am looking at I am going to double check these - that is not quite right. I will go back to what I said before we had the manager/registrar, a verification officer, a finance officer, an administration officer who are the 3.5 mentioned plus half the cost of the director of building control needed to administer it. On top of that we are putting on a verification officer, a CPD assessor and a BPA auditor, adding up to 6.5 FTEs. That will give us a full complement to manage the building practitioner accreditation scheme.

Ms FORREST - So you now have two auditors, or you will when you engage the second one?

Mr ORMEROD - I am sorry I did confuse you. We have an auditor on board but that auditor is doing the building code work. We are about to put an auditor on for the building practitioner work. So in the building practitioner area, which you are talking about today - perhaps I will go over it again.

We inherited 3.5 people. We had a 0.5 director of building control and we are putting on another 2.5 FTEs for a total of 6.5.

Ms FORREST - The auditor that you are putting on, what is their role?

Mr ORMEROD - Their role would be checking to see people actively out there building are accredited.

Ms FORREST - So are they assessing their technical skill and technical expertise; is that what they are assessing or what are they auditing?

Mr ORMEROD - No, they will be auditing whether they are doing what they are accredited to do; so therefore if we have a person signing off on designs and drawings, to see the person is accredited to do that work.

Ms FORREST - Will there be any auditing of the technical work of the people? You can check that they are accredited as a building designer and they have done the building design, but as far as the technical skill of their work and being sure that they are competent in that field, is there anyone doing that or will there be?

Mr ORMEROD - That is right. There is a CPD assessor who will be doing that sort of work. They will be assessing the continual professional development that these people are doing to ensure that their skills are maintained at a constant level to remain competitive, which would obviously mean they need to be able to demonstrate that they still have their skills up to scratch. We are assuming that they are all competent when they come across and we will be, through the year, checking to see whether they are maintaining the skills set. If they were not competent to start with that will soon come through as we assess them through the CPD scheme.

Ms FORREST - So part of the initial assessment will be to check that a new person to the State claiming to be a builder through a process that assesses skill before accreditation?

Mr ORMEROD - No, where they come in now they will need to have what is called the AQF certificate 4 qualification, which is a diploma course. They need to demonstrate they have that competency which has a whole range of competency standards contained in that. Once they have been declared by way of a written process then we accept them and accredit them.

Ms FORREST - Is that all they need, or do you need some sort of assessment of their practical skills as well?

Mr ORMEROD - That is contained in the accreditation of their skills set when they acquire it.

Ms FORREST - So the competencies include skill competencies as well?

Mr ORMEROD - Yes. They do not need to hold a trade to be a builder. They need to be competent to manage the process of building and that is what we are looking at trying to maintain in this process. I suppose you could say the next flagged intention by the Commonwealth Government under the COAG changes or initiatives is builder categories are going to be caught up in a national harmonised accreditation scheme or licencing scheme. That is to be signed off by COAG in December of this year. Within two years the plan is to have either a national scheme that is managed by the Commonwealth for all builders or a State scheme which is harmonised across the country. We believe we are pretty well on the front foot because all of our accreditation for each scheme meets national benchmarks that we have been party to for some time.

Mr DEAN - Can I just follow up on Ruth's situation? So the builder coming here, identifies to you their competency levels and so on. Is that automatically accepted by you as kosher with no checking done to see whether or not that is right? Information has been previously given that not all of that information is always correct.

Mr ORMEROD - If they are coming from interstate under mutual recognition we accept them. We check with the State that they originate from that they were accredited. If they are accredited in other States then that is automatic. We have to accept that the other States criteria have been met for them to be accredited with us. That always presents certain challenges but there is not much more we can do with that because we do not have the resources to go and independently test each particular building practitioner we come across.

Mr DEAN - That meets the requirements of the Building Act and all of that. The situation with a local person - I have some building expertise. If I went to you and simply said that I have done this and I have built these buildings et cetera would you accept that as being -

Mr ORMEROD - Not anymore, no.

Mr DEAN - What would happen?

Mr ORMEROD - In the old days you would actually transfer across under what are called the grand-fathering provisions. You have done this work therefore you are in. Now you need formal qualifications to get in.

Mr DEAN - Would you check that? What I am getting at: would you check the veracity of that to see whether that is right or is just accepted under the grandfather clause? A lot did that previously as I think they transferred across under that clause.

Mr ORMEROD - That clause has ceased to exist. You cannot just come in and say, 'I have done this therefore I am here'. The transition period had a whole lot of process attached to it which attracted some publicity. Now the situation is, if you want to be a building practitioner you have to have AQF 4 equivalent. Therefore, you have to provide from a recognised training authority, certification that you have in fact achieved that qualification. If you have not achieved it you go away. We will not talk to you.

Mr DEAN - So that is the situation now?

Mr ORMEROD - That is now, yes.

CHAIR - Further to that, Roy, did your organisation allow continuation of the transitional provisions for any period of time and, if so, for what period of time?

Mr ORMEROD - We did not as a rule allow transition but there were some strange - I think they called them - exceptions where we had people who applied, for argument's sake, to be a commercial builder but because they did not have the insurance they could not be accredited as a commercial builder and they did their domestic work. They came to us later and said, 'I have my insurance now. I now want to be a commercial builder'. Where we have evidence to suggest they were in that category but did not qualify because of that insurance - and now they have it - we let those through because we believe the intention was at the time that once they had access to insurance they would be in. They are exceptions and there were not many of those.

CHAIR - Is it fair to say that the transitional provisions which applied when the legislation was first put in place and the TCC was authorised - that was a fairly tight window of opportunity - when that window closed under the TCC's jurisdiction, no extension of transitional provisions was given?

Mr ORMEROD - That is correct. No extensions were given under the transitional provisions. There have been a few sad cases but we have to apply the rule as it is.

Ms FORREST - In making those changes for those people, were they granted accreditation with specific conditions in some cases?

Mr ORMEROD - Yes. For instance, there were people that had conditions that they could only build decks. We had people in Tassie specialising in building decks and pergolas that did not have access to housing indemnity insurance because they have never needed it for that work so they had a sort of note against their accreditation that that was all they could do. Those people are still on our books but it is all they can do.

Ms FORREST - So, as a consumer, how would I know, if I go to the web site and all the accredited builders are listed and I want a house built not a deck built?

Mr ORMEROD - There is a notation on there.

Ms FORREST - So it is on there that they are only allowed to build a deck. So I would not engage them not knowing then.

Mr ORMEROD - They can only do that work. Of course the person that is accredited that way knows that they are not to build any other work. If they try to take it on and apply for a building permit through a building surveyor, the surveyor as a rule will check to see that they are actually accredited. So there are checks and balances because the surveyor has to provide a certificate of likely compliance, which the building surveyor submits to the council and one of those conditions is that they need to be satisfied that the applicant is accredited as a building practitioner.

Ms FORREST - And conditions are clearly evident on the web site?

Mr ORMEROD - They are clearly evident on the web site

Ms FORREST - As a consumer I can check it?

Mr ORMEROD - Yes, you can. And if you miss it and the builder tries to get around it they will get caught by the building surveyor.

CHAIR - You were going to get to the process for accreditation now. We have cut across a bit of it talking about AQF 4, that is for builders, but what about for other professions who require accreditation such as building surveyors, architects, engineers?

Mr ORMEROD - We consulted with the various bodies and have adopted the national standard for those. Off the top of my head I do not now what they are exactly. For instance, in the engineer category we had 10 categories of engineers that we inherited from the TCC. One category attracted a full fee and then for about \$50 you can get the extra ones up and when they came to us we said no, the scheme does not read that way, that if they want 10 categories they have to pay the fee 10 times.

So we had a number of engineers up in arms because suddenly they were paying us actually far more that they were paying the TCC. We changed the scheme, reduced the categories down to four which meets the same numbers as the engineers colleges, and streamlined it so that their costs were more manageable and it was easier to manage as far as we were concerned too. We are not about occupational licensing, we are about licensing the business of engineering and architecture et cetera.

Ms THORP - That is quite an important distinction, isn't it?

Mr ORMEROD - Yes, it is.

Ms THORP - Would you care to elaborate on that a bit?

Mr ORMEROD - Certainly. Architects often argue that the Architects Act and our act is a duplication and that one should be scrapped and that is ours of course, because they are architects that like to look after themselves. But the Architects Act determines who can be called an architect. That is the whole purpose behind the act; it sets a list of qualifications you must meet and then you can be called an architect.

Ms FORREST - Is it an offence to use that title if you have not met that?

Mr ORMEROD - Yes, under their act. Under our act, if you want to conduct a business of an architect firm you need to be accredited as a building practitioner architect. We accredit the firm or the individual, the person in charge or a person that has a qualification that is managing the business, and then that person can employ as many architects as they like. What our act does that the Architects Act does not do is provide a mechanism for discipline, for investigation into any conduct problems and those sorts of issues that are seen to be arm's length from the profession itself. That is the distinction between the two.

Ms THORP - Can that same distinction be drawn between the engineers' professional bodies and building surveyors?

Mr ORMEROD - It can do, yes. It is interesting, when the legislation was first introduced the talk was of a co-regulatory model and I gather that the intention was that the bodies would form a company and become the authorised body to accredit.

Ms THORP - It was a particular model, whatever it was called.

Mr ORMEROD - Yes, that's right. You would have had, perhaps, the MBA and HIA form an authorised body and they would accredit. But they didn't seem to be interested in that, and I think for good reason. It is probably not always wise on the one hand to be a body that protects the interests of the members then also be a body that is setting its standards to the extent that they are actually disciplining and taking investigations against them.

Ms THORP - Yes, the legal profession gets itself into all sorts of trouble with that.

Mr ORMEROD - Possibly, yes.

Mr WILKINSON - That's why it changed.

Ms FORREST - Roy, in fairness to these professions in that architects and engineers are highly qualified and have had years of education and practice before they are able to be let loose on the public, so to speak, to have someone able to assess and audit their competence you need to have someone, I would expect, at the same level or higher than that person. How does Workplace Standards achieve that?

Mr ORMEROD - If we have a complaint against an engineer, we go to the college and seek their advice and get somebody independent to assess any issues around the competency of the engineer. We couldn't do that.

Mr WILKINSON - So you are getting them still to -

Mr ORMEROD - We are, that's true.

Ms FORREST - What is the difference then? If you're engaging someone from Engineers Australia or their college to scrutinise the practice of an engineer, what is the difference between having - engineers don't have their own act, so let us go to the architects who have their own act. If you put into their act the disciplinary side of it, the CPD and insurance requirement, what is the difference between a person going to them with a complaint and then their being peer reviewed? I assume you wouldn't get someone in the same practice to review their practice, you'd get someone from another practice, maybe another jurisdiction even. You would use someone of that level of competence and expertise to assess that. Is there any difference between the way you're doing it and they way it could be done under that act?

Mr ORMEROD - I think there is. There are two reasons. First, there is the perception through the eyes of the public that you're going to the engineers to complain about an engineer, for argument's sake. Secondly, you don't know how far that complaint will go

in its first stages. If you come to an independent body, the complaint is seen to be looked at independently by the body.

Mr DEAN - That's about the only profession that it's happening in. It's not happening in police, medicine or anywhere else.

Mr ORMEROD - From my personal experience and previous background I can tell you that we could take complaints in the early days at Consumer Affairs against anyone. We would take complaints against doctors, lawyers et cetera and we would investigate them. I used to have discussions about why is it, for instance, the Law Society couldn't take this complaint up? The Law Society would correct me and say, 'We can't because that is deemed a consumer complaint and doesn't fit within our legislation'. I am not in way going to suggest or run down a profession, but I do honestly believe that there is as potential for people to be industry captured in a model like that and perhaps could look for reasons why not to investigate a complaint, whereas if you go to someone like us we then do the groundwork first to see if there is any substance to the complaint. Once the substance of the complaint has been established, we go to an expert like their body and say, 'This is what we need your advice on'. They come back to us and say, 'Okay, this, this, and this'. We can then look it up and say, 'How does that compare to the conduct issues?', and then we made a determination. I think that is the difference. Consumer Affairs has that function in relation to surveyors and valuers at the moment. I remember them having taken up one against a surveyor and it seemed to work quite well. We rely on the expertise of the organisation. Then we would take the complaint, and people would come to us because they could see that we were independent and I think that is the difference. There is a perception also I think, of the risk of industry capture.

Mr DEAN - Before we get away from the costs, you indicated that some are probably paying more and that is why you, I think, looked at the cost of registering, which is about \$300 on a flat rate, is that right?

Mr ORMEROD - It is 240 fee units, which is now equivalent to \$307.20.

Mr DEAN - Information or evidence was given to us this morning that in some instances now, that incurs a greater cost against some organisations for registering of personnel within the Building Act.

Mr ORMEROD - I think that would be the case with engineers. I do not know where your evidence came from, but I would have thought that was definitely the case with engineers. I am not aware of it being in any other category but I could be corrected there.

Mr DEAN - It was in engineers I think, wasn't it? Architects and engineers. I would need to go back through the evidence. But it was certainly evidence given to us today.

Mr ORMEROD - I suspect it is engineers.

Ms FORREST - With the highly categorised areas was where it was raised.

Mr ORMEROD - We compressed the categories right back to four after discussing it with Geoff Harper and one of his senior members. That is how we came up with four, on their advice.

CHAIR - So we are still talking about the process that you are applying now and we have dispensed with the matter of transitional provisions. The committee has addressed its mind in the past to the model put up, presented by the TCC. Witnesses have indicated to us that was not a bad model, had it been properly played out, that it probably had the relevant processes built into it. Have you picked up that model and are you applying all of the processes that that model had in it?

Mr ORMEROD - No. The model contained independent panels and other forms of committees. I guess I can link one reason to a comment that was made by the industry building surveyors about when we were talking about a fee structure for building practitioners. I said, 'Why don't we come up with a fee structure which includes a copy of the Building Code?' I had a group of 20 or 30 around the room; it was supported by the building surveyors and rejected by the HIA, and no-one else made a comment. I quickly learned from that and from other experience that you are better off consulting on an issue with a group that has a direct interest in that issue and that you are more than likely going to get an honest assessment.

We need a model for CPD of engineers and we need an accreditation scheme for engineers. We spoke to the engineers. We did the same with the architects and we did the same with industry building surveyors. So we talked to each of those separately. What used to happen was that you would have all of them around the table and they felt, to some degree I think, intimidated and they felt that they did not have a voice there because the major voice was coming from the builder organisations and not the other groups. So that is part of the reason we did not follow the model that was used by the TCC.

The bit we do not really have a proper handle on yet is complaints handling. I think that is an area that we are still not really good at. We have the Consumer Affairs taking on conduct complaints against builders - at the moment, contractual dispute type of complaints, which seems to be working quite well. We have not really worked out - and this is part of the new scheme that we are still finalising to some degree - what is deemed as a complaint which we have jurisdiction over, because we do not have powers under the act the direct rectification. When people come to us to complain, they usually want something fixed. We tell them that we cannot help them with that, it is not our job. If you have a complaint, you give it to us and we will assess it to see whether the building practitioner has conducted a breach or breached the code of conduct and then we will take whatever action we think is appropriate, but I don't think that message is well understood by the community. We are hoping that by building up the Consumer Affairs model we might be able to make that work. That is still in the development stage at the moment.

CHAIR - There are a few things coming out of that, Roy. If I can go to that matter that you just mentioned that there are no powers for rectification of defects, I think the committee has been aware of that in the past. Wouldn't it be - and you spoke of seamless issues earlier - a more productive process if the Building Act was amended to give the accrediting body the power to require? You have conducted an investigation

consequential to a complaint, you have found against the builder or another building practitioner, why wouldn't you want the whole package within the one department?

Mr ORMEROD - It would seem to be quite neat. I had a discussion with the then Solicitor-General, Bill Bale, on that. His view was that you want to be at arm's length, that as an authority that accredits you don't want that body also to be caught up in making assessments on damages. He said they should be separate, they should talk to each other but they should be separate. That is why we went down this track that we are working on now with Consumer Affairs. We need to feed in, we need to know who is complaining against which particular builder, what the outcome of the investigation is and whether we should then take our own action against the building. It's got to happen.

Mr DEAN - And your action is deregistration?

Mr ORMEROD - Our action would be deregistration, fine or compulsory training. They are the three major areas we get caught up in.

Ms FORREST - Where does the consumer who has a defective building go?

Mr ORMEROD - They can go to Consumer Affairs. Out of the building levy we gave Consumer Affairs \$400 000 to employ two investigation officers for two years specifically to deal with building complaints. That was the avenue that we thought was best to pursue. We also funded a research officer to develop legislation to give Consumer Affairs the teeth to enforce, in the event that attempted mediation or conciliation has been unsuccessful. That bit is still in the planning stages.

Ms FORREST - What about if, at the end of the day, the decision is that the builder has been negligent, that they haven't built the building correctly, the foundations have sunk or whatever, hopefully the roof hasn't fallen in, obviously enough that the place is not safe to live in, are there any teeth in any of that process to demand revocation of a licence?

Mr ORMEROD - Not at the moment.

Ms FORREST - Is that where you think we need to head?

Mr ORMEROD - That is where we are heading. That is the brief that Consumer Affairs has at the moment, to develop a model which would require legislative enforcement.

Ms FORREST - You don't really want that same builder back, for one thing they could be deregistered or de-accredited, or whatever the term is. You then have to hire another builder to complete the work or repair the poor work.

Mr ORMEROD - That's right. As Mr Harriss may recall, back in 1992 when we talked about the Housing Indemnity Act, the intention was that at the initial stages if you have that redress available to you can overcome the problem but then it didn't work as well as it could have at the time. That was the plan then, but we need a mechanism now to take that over. I think the problem of exposure is that if we have a case like that, where the place is falling down and the builder says, 'Chase me. I'm a \$2 company', what do you do then?

Mr WILKINSON - It seems to me all you could do if he not a builder because you have deregistered that person, he is gone. It is not the company that you deregister, and you're probably doing that, but you are deregistering him as well.

Mr ORMEROD - That's right, get him out of the door. But for the individual consumer, he misses out.

Mr WILKINSON - It is the same with anything, isn't it, if you enter into something like that and the person is a person of straw you're not going to get your money back, unfortunately, or get rectification.

Mr ORMEROD - In discussions with builders before, when insurers said, 'We're not prepared to underwrite your building work to the tune of millions of dollars a year if you are a \$2 company. We want you to put some money in to show you're genuine'. That created all sorts of angst.

Mr DEAN - What is the best process moving forward then for rectification?

Mr ORMEROD - My experience with complaints is timing. It is all about timing. Once a dispute starts we should get on to it quickly and get it sorted because the quicker you get on to these things the better. If you do that quickly in most cases where the parties have lots of good faith, as they normally do in the early stages, you can knock it off quickly and you get the two talking to each other and the whole thing is finished quickly. That is what I am hoping the Consumer Affairs model will have.

The model would have in it an arbitration process, which means that if you cannot get them to talk and clearly one is in the wrong, either the consumer or the builder, someone decides how to sort out the dispute and who will pay for the rectification. That is good, again, if it is quick an easy as well as fair; then that would sort it out.

The huge hole in all of this is in disputes involving a straw builder, the one where there is no substance. That is one that we lost with the abolition of the Housing Indemnity Act in Tasmania. We do not have that sort of backstop.

Ms FORREST - You still have it although it is voluntary. You can take it out if you wish to but it is not compulsory.

Mr ORMEROD - Yes, you can, that is true.

Ms FORREST - So if you had some concerns about your builder's capacity to be solvent, I don't why you would engage him in the first place but they are hard to get so maybe you would, you have the option of taking out that insurance.

Mr ORMEROD - That is true.

Ms FORREST - That option is still there it has not been removed it is no longer compulsory.

Mr ORMEROD - That is true, yes. All the push is for people not to because a builder will suggest he can save them \$2 000 and he is a good bloke. They are the ones that usually get caught.

Ms FORREST - They are the ones you have to worry about.

Mr ORMEROD - That is right, exactly.

I was hoping that we could have gone back to the first resort model, what it was in 1993. What the insurance had problems with previously was they were almost acting as a dispute resolution company but they became too heavily involved in disputes. If we can get rid of that and go the Consumer Affairs model, if it turns out the builder has failed and refuses to do it, housing indemnity comes in, pays the bill and everyone is happy. That would have been good and that is the way which I think New South Wales has gone now but that is not possible.

Mr WILKINSON - The real problem with that I suppose, Roy, is the builder might say it is better to do nothing. He could say, 'I cannot do it because I might have undercharged on that, I can make more money by continuing to build somewhere else therefore I will let the housing indemnity come in and sort it out anyway'.

Mr ORMEROD - That is what happened in the early days. They would say, 'Go and see my insurer he will fix it for you', but what they did not understand was that the insurance company would hit them with an account and tell them, 'You are not going to get any more insurance from us unless you pay us for what we just paid'.

Mr WILKINSON - Sometimes it would have been better for him to do that anyway rather than go back and fix it.

Mr ORMEROD - Exactly, particularly if the relationship has broken down so badly.

CHAIR - As part of all of this discussion, Roy, on your current processes. You mentioned earlier that you did not pick up components of the TCC model such as the expert panels and you gave some explanation of that. From the view of others, and I think I have some sympathy with their view, why wouldn't you want to engage expert panels in terms of dispute resolution, the accreditation process? Where does the breadth of expertise lie in your department even with the expansions with new staff, where does the breadth of expertise lie specifically with you group which you would not have a better grab of if you had an expert panel providing broader advice?

Mr ORMEROD - We certainly do not have the expertise in the organisation to determine what is in the best interests of, for argument's sake, architects. We use these people informally rather than formally, that is the difference I think. There is no way we would make any assessment on what is the appropriate CPD scheme for engineers for instance without discussing it with the engineers. So we do it. Each of these organisations has their professional bodies which we engage quite regularly. I met a number of members of the Institute of Building Surveyors recently at one of their homes to talk about the sorts of things that we are discussing today about the ageing of building surveyors and what they could do about it. I made some suggestions about what they can do as an organisation, cadetships et cetera to get some new people through. I think that happens and it is all part of the day-to-day engagement. The problem that I have seen with the former processes is that you have a meeting for the sake of a meeting often with an expert panel consisting of an architect, an engineer, a building surveyor this, that and the

other. For most of the time only one of them is interested in what is being discussed, the others turn off, or don't turn up, they do not read the meeting papers and that is why I think that it is better to engage with these organisations as you need to. That is a challenge for us, I agree. The challenge for us is to make sure that we remain actively engaged because if we don't we will become irrelevant and the scheme then falls apart.

Ms FORREST - You could use the argument that if you are using these people and their expertise on a casual basis, an informal basis, what harm is there in having a formalised process when surely that would increase your credibility and strengthen the aspects of things like audits, assessment of competencies and even just assessment of someone for accreditation? That would be the case if it was clearly seen and known that you actively engage these people in a formal process.

Mr ORMEROD - I guess to some degree, but the Building Regulatory Advisory Committee, BRAC, which to some degree fills part of that role are due for re-appointment at the moment. There is a skill mix within that committee that meets monthly.

Ms FORREST - Who are BRAC responsible to?

Mr ORMEROD - They report to the minister and it is chaired by the Director of Building Control. They advise the minister on any matters which are relevant to the Building Act. Initially they did not have a building accreditation function because they pre-dated that. But they certainly have a role in the building accreditation now. That partly a way we engage. I accept your point that there could well be some way in which we could formalise some of the other processes too.

Ms FORREST - I am not sure of the membership of BRAC now, it has been a while since we talked to them, but they possibly cover most of these professions. Is that a fair comment?

Mr ORMEROD - Yes, but not formally. There was a request made to the previous minister from the Local Government Association, they want to be on BRAC. We said that there were two building surveyors already on BRAC, one who works for council and one who works independently. We wondered what else we could do. I think there was a confusion, a lack of understanding about what the role of BRAC was. BRAC was not there to represent the interests of occupational groups, associations or organisation. It was there to draw from industry with expertise in certain fields. That was the intention behind BRAC.

Ms FORREST - Do we need to bring BRAC into Workplace Standards as the expert panel or do we need to disband BRAC and just have an expert panel established in Workplace Standards?

Mr ORMEROD - BRAC meet at Workplace Standards. They are part of us, in essence. Perhaps what you are suggesting is that we need re-visit the functions of BRAC, given that BRAC predated the accreditation scheme.

Ms FORREST - And they do report to the minister.

Mr ORMEROD - Yes, BRAC do report to the minister. Whether they should have a greater role in the accreditation could be looked at. There are certainly some views there. They looked at that scheme, they provided input from the members of the scheme before it was released.

CHAIR - Your dot points that you are going provide for us, do they provide anything close to what I might refer to as a flow chart of how you go about processes now? I go to the TCC's flow chart which they produced as part of their submission to the minister so anybody can look at that and say, if this, then that. Do you have something which would give the committee some understanding of how all of the processes involved in not only accreditation but dispute resolution, investigations, audits and so on are undertaken?

Mr ORMEROD - I can organise a flow chart for you - I do not have it with me - on the accreditation process. We are still developing work on the CPD and also complaints. I do not think that we have that really right yet.

Ms FORREST - Audits?

Mr ORMEROD - That is being developed too, in audits. We have done some audit work. I can provide you some advice on how and what sort of audit work we have been doing.

Ms FORREST - And who conducts the audits?

Mr ORMEROD - Yes. Our personnel officer conducts the audits.

Ms FORREST - It would be good to have some information about what audits have been conducted and who by.

Mr ORMEROD - Certainly.

Ms FORREST - And the qualifications of those persons.

Mr ORMEROD - The audits that have been done so far have been more about the building code as opposed to building accreditation. You know, often it is easy to get the two confused. I am not sure what work has been done in audits in relation to building accreditation.

Ms FORREST - Can you look at that? That is an important area and we need to see where you are headed with that.

Mr ORMEROD - Yes.

Ms FORREST - Also, if audits have not been conducted in that area and what the plan is for how that will be conducted and who by - the qualifications of those people.

Mr ORMEROD - For sure, yes. For instance, we have just appointed an independent auditor to audit the collection of the levy to see whether the councils are in fact collecting the levy, as they should, and giving us some money.

Ms FORREST - And giving you the money or giving the money to the relevant body?

Mr ORMEROD - That is right.

CHAIR - We are approaching two years of the new scheme. Yet you are telling the committee you still have some work to do with regard to complaints, investigations, audits and dispute resolution. Would it be a fair observation to make that the Government knew, when it appointed the TCC, that all of this was about the so-called cleaning up of the building industry and delivering to the consumer quick and ready access and remedy? The TCC operated for a couple of years?

Mr ORMEROD - Yes, that would be about right. Almost two and a half years maybe.

CHAIR - Probably their first year was concentrated on nothing more than ticking boxes and getting people on to computers and collecting a swag of dough to do that.

Ms FORREST - A tidy sum.

Mr DEAN - A handsome amount.

CHAIR - Yes, by all sorts of definitions. Is it fair to conclude the following then? All through that process, the government department knew that there was lots of work that the TCC had not done that it should have done with regards these significant issues to clean up the building industry, from which flowed the service level agreement which was a recognition by the TCC that it had not done much of anything and that it would do a whole heap of things going forward, so the service level agreement said. How then is it that after two years your department still does not have in place anything more than the TCC had? That might be an overstatement of the issue.

Mr ORMEROD - Yes. It would appear on the surface as though we have been doing nothing for two years. That is in fact not true. When we adopted the scheme we had to make sure that what we were doing was seamless and that, as far as builders were concerned, there would be no change. The money goes in and they get their thing. We had a database that was at best flaky that we inherited from them. We had to get that up and running. We had to review the categories to make sure it was right as far as where people were sitting within the various building categories. We had a lot of bridge building with the various bodies because the history had left a nasty taste in their mouth. We had to convince them that things have changed, and those things just do not happen overnight. It meant that we were distracted to some degree from the area of complaint dealing. But let us look at what has been achieved. Firstly, there has been funding to Consumer Affairs so that people actually have a place to go for complaints about builders that was not there before.

CHAIR - How long ago was that put in place?

Mr ORMEROD - Over 12 months ago now. There are project officers developing legislation but I do not know where that is at because it is not my area.

CHAIR - Anymore.

Mr ORMEROD - Anymore, no.

We had to develop a whole new scheme that required a lot of discussions with various groups to try to simplify what was previously there and to get them happy with a scheme which sets the accreditation standards to the level they wanted. So all that work needed to be done just to keep the process moving.

If you look at what we have not done, okay, we do not have an effective way of dealing with complaints at the moment. We get complaints coming in and we get the complaint out to the builder and we get an answer from that but it is not ideal, to be honest; it is not really all that effective at the moment. That, I think, is the area of our major need for improvement.

I think from the point of view of the general public and the industry as a whole, they have confidence that the scheme is running through the way we have engaged them. I think that is the most important thing, that there is a confidence that there is an element of control and rigour around the whole model now that perhaps may not have been perceived to be there before. That takes a lot of work.

CHAIR - So the 3.8 FTEs who you transferred over from the TCC, are they wholly and solely engaged in just the simple process - I say simple; that is my superficial and probably unfair judgment - of receiving applications and processing applications?

Mr ORMEROD - Yes, entering them to the database, handling the CPD returns that come in. A verification officer is one of those persons who verifies that their qualifications are relevant and current. So all that processing.

CHAIR - So the 3.8 are purely processing applications for accreditation?

Mr ORMEROD - Yes, processing and dealing with the process of accrediting builders. We are auditing their work and checking whether the CPD is being delivered properly.

CHAIR - So you are employing extra staff to fulfil those functions?

Mr ORMEROD - Yes, that is right.

CHAIR - Would you see benefit in expert panels, for the want of a better term right at the moment, to assist in that process rather than just expecting that the expertise will rest within those extra couple of people that you are employing?

Mr ORMEROD - The intention is to engage with the relevant groups when a complaint is received. When a complaint is received we send it off to the building practitioner to get a response. Some of those cases are just written off as being a contract dispute and they do not need to come to us, they need to go somewhere else to get it sorted.

I think we need to improve our game by telling people up-front what exactly our role is. There is some potential there, I think you are right, in engaging more effectively with perhaps an expert uniform panel.

CHAIR - Yes, because you are aware of our terms of reference. We are charged with considering the optimum framework for the accreditation of the practitioners and so on

and we will need to make some judgments about that from the evidence we have taken and from the investigations we have made interstate. You mentioned earlier with regard that, that Bill Bale had advised you to have some separation between the accreditation and the policeman, and yet you would be aware that the Building Services Authority in Queensland is both the accreditation and the policeman.

Mr ORMEROD - That is true.

CHAIR - That has been held up as probably the best model in the nation. So, notwithstanding Bill Bale's advice, do you have your own view as to whether those components of the Building Services Authority might appropriately be picked up here in Tasmania such that you can be both the accreditation and the policeman?

Mr ORMEROD - At the end of the day I think that what we are looking at is trying to develop a scheme where consumers get a fair hearing. Where it sits at the end I think is not all that important so long as people know where to go and they get the service they need. So I think it can become an academic argument in the end whether it should fit with us or fit with someone else. I think the most important thing is it has to be done properly.

CHAIR - Consumers seem to expect, as a result of the Government's announcements with regard cleaning up the building industry, that the new accreditation process was going to do all of that. The consumers do not need to know whether Consumer Affairs looks after the dispute resolution or complaints investigation. If there is a dispute about a builder, an accredited person, the consumer is going to come to you, because that is where people are accredited. Wouldn't it be such a simple process for that consumer to then have a one-stop shop to have the whole process investigated? Then if the complaint is substantiated and the builder is de-registered, the whole shooting match is stitched up by the one department rather than all over the place amongst the public service.

Mr ORMEROD - I suppose you could say the bureaucratic answer is that it is already under one department because Justice is both Consumer Affairs and Workplace Standards.

CHAIR - But you won't give us a bureaucratic answer.

Mr ORMEROD - No, that is right. There is a good argument in what you are saying. It could be a way the public would like to see it work. I am not into building an empire so if it is an ideal outcome that could be achieved and we are given the role of doing it I am sure we could make it work. Either way we will make it work.

Mr DEAN - To expand on what the Chairman is talking about, you previously said to us that you were not very far advanced with the CPD, the continued professional development side of things; you still have a lot of work there to do. My question coming out of this is when can we expect that all of these things will be in place, that you will have a good CPD model, that you will have a good complaints model? When can we expect all that to be completed?

Mr ORMEROD - That is a fair question.

The current CPD scheme developed by the TCC has what they call nine structured and three unstructured points per year and each point equals an hour. There have been complaints from some people that it is too complex and we did not want to touch that until we had the scheme finished. Instead, we have six structured and six unstructured points and now we need to find what is meant by structured and what is meant by unstructured and we are on the way to achieving that now. I do not think it will be very far before we get that sorted. That is for the builders.

Theirs is the area in greatest need of improvement because the others are already handled well by the professional organisations; it is only builders who we need to tidy up in CPD ultimately.

Mr DEAN - This is one thing that we were given quite a lot of evidence on this morning in relation to what a builder must do to achieve that category or the points that are necessary to get accreditation or to keep up their CPD. It was suggested to us that simply by purchasing the builders code, I think it was, that would give you one point.

Mr ORMEROD - One point, that is right.

Mr DEAN - And it was suggested by one member here if you bought 36 you get 36 points.

Laughter.

Mr ORMEROD - You can only get one.

Mr DEAN - But the point made was that you would get a point for that. It did not matter whether you read it or not, you just buy it and get a point for it. If you threw it away and did not read it you still get one point for it.

Mr ORMEROD - Yes, it is a real challenge, Mr Dean. How you do this is a challenge because the last thing you want to do is send these people back to school.

Ms THORP - You are not going to test them on it are you?

Mr ORMEROD - No.

Mr DEAN - No you are not.

Mr ORMEROD - There is good argument for trade nights. Some people say it is just an excuse for booze and a barbecue but if they are being shown how to use a new tool then they are getting something in there that they probably would not have before. It is how we get the mix right. If they bought the code and spent a lot of money on the code then it has to be worth a point a year because they actually have it.

Ms THORP - Continued professional development is problematic in all professional areas.

Mr ORMEROD - Yes, it is a challenge.

Ms THORP - Teachers balk at it.

Ms FORREST - Is there any provision within the scheme that you are developing, wherever it is at, Roy, that you cannot get all your points from going to trade shows, for example?

Mr ORMEROD - Absolutely right. That is why we want to get those balances. You have six what they call structured and six unstructured and so -

Ms FORREST - Trade shows are unstructured?

Mr ORMEROD - Depending on the type, yes.

Mr DEAN - What do you mean by 'structured' and 'unstructured'?

Mr ORMEROD - Structured would mean where they have to demonstrate they have gained something out of it as opposed to unstructured, which means you attend a trade show and listen to somebody.

Ms FORREST - So you can measure the structured but you cannot measure the unstructured?

Mr ORMEROD - That is correct.

Mr DEAN - That is what it is.

Mr ORMEROD - That is right.

Mr DEAN - Okay. The other point that was made to us was - and you might have been here, Roy, at the time it was raised - the different categories relating to the CPD. I think for builders it is 12 points, for building designers and business service designers it is 20 points, for engineers it is 30 points et cetera. Why is there that big difference? You did touch on it previously, I think.

Mr ORMEROD - When I raised the question with my guys over there I almost had my head bitten off because they said this is what the industry wanted, that is what they said they wanted. The engineers wanted that, the building surveyors wanted that, the numbers we had were the numbers given to us by those groups, and now they are complaining.

So we have to go back and find out what they really want now and why the old number is no longer relevant and what do they mean by a new number? That is when you get the frustration.

Ms THORP - He said she said.

Mr ORMEROD - Yes. So we need to sort that through.

Mr DEAN - I suppose the obvious question now is are the builders building better than they used to?

Mr ORMEROD - There are some beautiful old buildings over a hundred years old, aren't there?

Mr DEAN - The builders, not the buildings.

Are the builders doing a better job? The number of complaints coming in and so on. What is the position with that? Are you in a position to say whether the number of complaints in is dropping off or has dropped off because that is an indication I think.

Mr ORMEROD - Without doubt, the professionalism within the building industry in Tasmania has improved manyfold over the years I first became involved in disputes against builders. Generally speaking, builders here are far more professional, far more document based, far more thorough in the way they communicate than they ever used to be. There is still room for improvement but I think they have come a long way.

Mr DEAN - So are you saying that the complaints have dropped off?

Mr ORMEROD - Yes. I do not think you can use complaints as a measure because -

Mr DEAN - Surely it has to be one measure?

Mr ORMEROD - It can be, yes, numbers, and I cannot give you numbers. But you are right, it is a measure but sometimes it can be a little bit simplistic because as people's awareness of their rights becomes more evident they are going to complain more. Does that mean that the industry is getting worse or is it that they are getting better because that is giving you an understanding avenue where you can have your rights heard where previously you did not have it?

Ms THORP - A comparison would be Safe at Home. All of a sudden, reporting of domestic violence went up because of a measure that had been brought in to protect people.

Mr DEAN - But they have been using that for six years. How much longer are they going to use it for?

CHAIR - It has nothing to do with this.

Mr ORMEROD - That is the measure. You have to be able to show that people have an avenue to go to complain; that is important.

Mr DEAN - Sure.

CHAIR - You said earlier, Roy, that you accept national accreditation processes via the professional bodies. Which ones?

Mr ORMEROD - I think pretty well all of them. For builders we have a building licensing authority, a national group that has developed accreditation standards for builders. We have adopted those and we were one of the first States to have done that.

We have engineers. We rely heavily on their skill sets, as we do with architects, and building surveyors are the same. I think they are pretty well all national. At least they are the sort of accreditation standard that our local industry groups want and I think that, substantially speaking, they are fairly well national.

CHAIR - Immediately before you came to the table to give your evidence the building surveyors gave evidence that their national accreditation processes are not accepted -

Mr ORMEROD - Okay.

CHAIR - as part of your considerations, whereas we have heard from the architects and engineers that essentially theirs are, as they were with the TCC. Maybe a simple phone call inquiring whether Jack Spratt a registered architect. If so, tick a box. We do have some concern to raise with you as to whether the AIBS members' or building surveyors' per se - not just members but building surveyors in general - national accreditation is acceptable. You have indicated to your best knowledge it is but -

Mr ORMEROD - Yes, that is right. I would be surprised if it is not.

CHAIR - we have had evidence to the contrary.

Mr ORMEROD - Okay, I will check that out for you, for sure.

CHAIR - Lin and I were having a conversation a moment ago, Roy, we have been going for about an hour-and-a-half. We may write to you about some of the issues which have arisen in evidence earlier today and give you the opportunity to consider that and then have you back. A written response probably is not sufficient because we would want to further investigate those matters with you.

Mr ORMEROD - Sure, okay.

CHAIR - You said earlier that there has been dispute between the architects saying that their act ought to prevail and you are saying you have reported to Mr Bale. If I recall correctly you said something to the effect of the architects would say the Building Act ought to be abolished. Has there ever been a consideration by your department to abolish the Architects Act?

Mr ORMEROD - No, not at all because that does carry out a function. We cannot put it with us because we are only accredited the business part of it.

CHAIR - Are you aware of anybody in your authority, with regard who is responsible for the accreditation of the building practitioners which involves architects, has ever made that suggestion or threat to the Architects Board or the Architects Institute?

Mr ORMEROD - I do not know. There could have been that conversation, I would not know but it certainly would not hold any authority.

CHAIR - I think we will write to you about that as that is one matter that does need some clarification.

Mr ORMEROD - Sure.

CHAIR - That is a serious matter that people will contend has been threatened.

Mr ORMEROD - I have met with the architects together with the minister a couple of times, but it has never been raised as being a viable option that you scrap one or the other. The two of them need to be there.

Ms FORREST - On that then, Roy, is there any room for an engineers act as well?

Mr ORMEROD - The engineers probably think so. Their call. I put the engineers in a similar category to accountants. There is no accountants act yet they are a pretty well regulated organisation. If you go to the Treasury people and ask about regulating engineers along the lines that we do with architects they are going to say we need to demonstrate the economic need; where is the market failure that needs to be addressed? I think you would be hard-pressed to justify that with evidence.

Mr DEAN - Where do you draw the line? I suppose you go to engineers, you start looking at every other organisation as well, don't you?

Mr ORMEROD - Yes.

CHAIR - I have a range of other questions but, Roy, have you much more there that you wanted to walk us through?

Mr ORMEROD - I can table this. I will leave the list with you because it gives you figures like how much money we have generated in the past financial year through fees. It will give you some idea of our salary costs and things that you might find useful.

CHAIR - You have indicated that it will give us an idea of salary costs. Can we do a simple computation then to determine what level of profit there might be in the business for you?

Mr ORMEROD - Yes, I can tell you what the profit is now, if you like. In 2007-08 we spent \$613 413 on salaries and we generated \$686 000 in revenue, so we made a \$73 000 profit.

Ms THORP - There are costs other than salaries, surely.

Mr DEAN - Surplus.

Mr ORMEROD - Yes, this is a simple formula; you are right. These are just actual costs so you then need to factor in things like cleaning, building rental, electricity and all that. These have not been taken into account so this is a very simple formula that has been applied here because I did not give the guys much notice.

CHAIR - And in 2007-08 you were still operating with your 3.5 or 3.8 full-time equivalents?

Mr ORMEROD - These figures are based upon principal building control, verification officer, auditor and assessor. These are the new ones. I see - I will read this out.

From those figures I gave you, the rider was with the full establishment numbers in place and full cost recovery applied the operating expenditure for 2007-08 would have increased by this figure. The actual total operating expenditure for 2007-08 was

\$341 413. That is the total operating expenditure for that past financial year. If we take account of the extra staffing requirements needed then we get the figure I mentioned, \$613 413 as total cost and revenue of \$686 258.

Ms THORP - Where does that revenue and expenditure sit?

Mr ORMEROD - It sits in the trust account. It is set aside separately.

Ms THORP - One would assume costs are going to go up but revenue is going to remain static, won't they? Do you have a stated need for audits or whatever? They in themselves do not generate any income, do they?

Mr ORMEROD - No, they don't.

We have a tribunal to hear appeals against the Director of Building Control and we had one recently. He flew someone over from Melbourne to assist him in the investigation and it cost \$1 000 and that was what we had to pay.

Ms THORP - And you take that from that trust account?

Mr ORMEROD - From that trust account, yes.

CHAIR - We will have a closer look at those figures because I think you said that \$600 000 would have been the case if you had the people you need.

Mr ORMEROD - That is right, exactly.

CHAIR - So is there anything there that gives us the actual costs for 2007-08?

Mr ORMEROD - It does. The actual expenditure costs for 2007 08 is \$341 413 and I take it as being -

CHAIR - Which is not much above that extrapolated \$215 000, well it is a \$100 000 or more.

Ms THORP - It depends how quickly you say it.

CHAIR - Thank you.

Mr ORMEROD - As I say it is a shorthand summary but you might find it useful.

CHAIR - We might want to get some more information on that.

You heard us have an exchange with Danilo and Steve about using the building levy for the purposes of delivering CPD in that some professions, including themselves, do not get access currently to the industry training board funds. Is that a reasonable request?

Mr ORMEROD - They certainly can apply. There is no reason for them not to be able to apply. I am not sure how we would treat it.

Ms FORREST - I believe they applied and were knocked back. That is what one group told us; I am not sure whether it was the -

CHAIR - No, that was the industry training board funds not the building levies.

Mr ORMEROD - Yes, that is right.

CHAIR - The building levies, which sit in Roy's department.

Mr WILKINSON - As I understood it, I do not think they realised that they could apply. Would it be fair to say people seem not to realise that they can apply to get that money? It would seem to me that if they do apply then it is up to them to put forward a case as to why it is appropriate or otherwise.

Mr ORMEROD - It would be subject to the minister's decision as to whether it should go that way.

I would have thought that it would be wiser for them to come up with assistance in skill transition and getting some new staff. My suggestion to the institute would be maybe they should seek assistance in funding cadetship training because a lot of building surveyors are single operators who do not have the funds to be able to go about training someone. As an industry organisation they could probably develop a training model and seek some assistance from us in helping them develop that so that they can -

Ms THORP - They could work it through Skills Tasmania.

Mr ORMEROD - Yes, it is possible through that. I think there would be far greater benefit for the industry in general if they looked at that successful planning model rather than CPD.

CHAIR - Members, are there any pressing questions for Roy? I have a range of others which I think might be more productively advanced by writing to Roy and then having him back. He can consider those questions because they might require some research rather than just the ad hoc stuff. This has been a productive session.

Roy, is there anything else for the moment that you want to conclude with?

Mr ORMEROD - No, I don't think so.

CHAIR - Okay, thanks. We will communicate with you soon and probably get you back in the not-too-distant future. There are a lot of other committees around the place at the moment but this has been on the books for such a long time that we realise it needs some conclusion so we will try to get that wrapped up as quickly as we can with your assistance.

Mr ORMEROD - Thank you.

THE WITNESS WITHDREW.