

# PUBLIC CONSULTATION DOCUMENT

## Purpose

The Association of Australian Certifiers has prepared a professional standards scheme (Scheme) under the *Professional Standards Act 1994* (NSW) for approval by the Professional Standards Council of New South Wales (Council), which is the body responsible for approving schemes under the Act.

The purpose of this public consultation document is for the Council to seek comments and submissions from the public in considering the application for the Scheme under the Act. Gathering comments and submissions from consumers provides the Council with valuable insights into how consumers view and understand the proposed Scheme.

The Council is required to give public notice explaining the nature and significance of the Scheme, stating where a copy can be obtained or inspected, and inviting comments and submissions within a specified time frame. The Council must consider all comments and submissions made to it in accordance with the public consultation process under section 8(1) of the Act. This document supports that purpose.

Professional standards legislation is Australian state- and territory-based legislation. The objects of the legislation, generally, across all jurisdictions, are:

- to protect the consumers of services provided by professionals and other occupations
- to facilitate the improvement of occupational standards of professionals and other occupations
- to enable the creation and approval of Schemes that limit the civil liability of persons to whom a Scheme applies.

Public notification of a Scheme does not necessarily mean the proposed Scheme will be approved by the Council or authorised by the relevant Minister.

The Council must consider a number of matters before approving a scheme, as set out in Section 10(1) of the Act.

The Association of Australian Certifiers (AAC) Scheme is being considered by the Council and is now available for public submissions and comments.

## How can I make a comment or submission?

Comments and submissions must be made in writing to the Council, by 14 January 2026. The Council is located at Level 2, St James Centre, 111 Elizabeth Street, Sydney, NSW, 2000.

Website: [www.psc.gov.au](http://www.psc.gov.au)

Email: [pscinfo@psc.gov.au](mailto:pscinfo@psc.gov.au)

Telephone: 1300 555 772 or (02) 8315 0800.

In your submission you may wish to respond to the following questions:

- Are you a member of the Association of Australian Certifiers?
- Are you already a consumer of the type of services provided by the proposed Scheme?
- Do you think the scope of the Scheme is clear? (including work, jurisdictions and membership classes covered by the Scheme)
- Is it clear how you, as a member or consumer, could make a complaint?
- Can you describe how consumers would benefit from the Association of Australian Certifiers' member's services being covered by a Scheme?

### **How are comments and submissions managed?**

The Council must consider all comments and submissions it received, in line with the requirements under professional standards legislation.

Comments and submissions will be treated confidentially and will not be disclosed unless required to do so by law, such as under public access to government information legislation.

## **BENEFITS OF A PROFESSIONAL STANDARDS SCHEME**

### **How will consumers benefit from the Scheme?**

The benefit to consumers of the Scheme is an assurance that the professional standards of Scheme members meet those required by the AAC, the legislation applicable to Registered Certifiers and the Council. This ensures that consumers are well served by ethical and responsible Registered Certifiers.

In addition to the above, the requirement to be covered by an approved risk management cover or professional indemnity insurance policy provides another layer of protection for consumers of Scheme participant's certification services.

### **How does the Scheme enhance the occupational standards of AAC members?**

The Council expects the AAC, as an association seeking approval of a Scheme, to demonstrate that its Registered Certifier members can protect consumers and manage risk. The AAC is committed to the highest ethical and professional standards of its members and will do so by monitoring and enforcing various compliance obligations on Scheme members through the robust entry requirements to the AAC Scheme.

The AAC Scheme provides a whole-of-organisation approach to maintaining the highest standards of excellence among Registered Certifiers. It encompasses a wide range of activities, such as rigorous risk management practices, extensive training and development programs, a robust continuing education program, ethical guidance, effective and thorough professional audits, mentoring, best practice guidelines, and a robust and transparent complaints and disciplinary system.

## How does limiting participant liability help consumers?

Limiting participant liability plays an integral role in securing the availability of a sustainable, compliant, and affordable risk protection and professional indemnity insurance policies for Scheme Members. This ensures that the consumers of the services of Registered Certifiers receive timely and fair compensation for legitimate claims.

To receive the benefit of capped liability, Scheme members are expected to meet the requisite professional standards and conduct expected of a profession.

This creates a balance that provides the opportunity for Scheme members to run a professional and viable practice as a Registered Certifier, while providing access to justice for consumers of certification services.

## Is the Scheme a professional indemnity insurance scheme?

No. The AAC Scheme is not a source of professional indemnity insurance, however members under the Scheme are required to hold professional indemnity insurance that meets certain requirements.

For Scheme Members to limit liability under the AAC Scheme, they must hold professional indemnity insurance that meets certain requirements.

A key requirement is that the amount payable under the policy, after legal costs, must not be less than the amount for which liability is limited under the AAC Scheme.

## Continuing educational program

Continuing Professional Development (CPD) is an integral part of a professional framework. The AAC CPD program provides a framework that helps identify and build the education and knowledge of Scheme Members.

Registered Certifiers are required to undertake a minimum of 25 CPD hours per year as dictated by the *Building and Development Certifiers Regulation 2020* (NSW).

The AAC's education program provides education opportunities for Registered Certifiers to help them maintain and increase their knowledge relating to the area of certification.

In addition to the CPD statutory obligations of Registered Certifiers, the AAC requires all Scheme Members to complete a Risk Management Program developed by the AAC. The course helps Scheme Members understand, identify and mitigate risk in their practices. This Course forms part of the AAC's risk management strategy of promoting continuing professional development beyond the minimum CPD requirements.

## Complaints and Discipline System

The AAC has a Code of Professional Conduct that acts as a guide for members to behave in a professional manner. This Code is supported by a complaints policy and procedure that provides consumers the ability to raise concerns about a Registered Certifier's professional conduct and provides a mechanism for consumers to make a formal complaint against a Scheme Member.

AAC Scheme members are subject to the complaints and disciplinary process. The AAC has prescribed disciplinary procedures and sanctions, to exercise disciplinary powers and to

impose sanctions to enforce compliance with the standards of practice and professional conduct by members, thereby improving the professionalism of members.

## **THE SCHEME**

### **What is a Professional Standards Scheme?**

A professional standards scheme (the Scheme) is a legal instrument, prepared under the Act and approved by the Council.

Compliance obligations of an occupational association with an approved scheme relate to the monitoring, enforcement and improvement of the professional standards of its members, and protection of consumers of their professional services.

The Scheme limits the civil liability or damages that professionals under the Scheme may be required to pay if a Court upholds a claim against them.

The three pillars that underpin professional standards legislation are:

- Consumer protection
- Professional standards improvement
- Association support.

The Professional Standards Councils (Councils) are independent statutory bodies which have been established by the Australian state and territory governments. The role of the Councils is to promote professional standards and provide consumer protection.

More information on the Councils and individual jurisdiction legislation can be found at [www.psc.gov.au](http://www.psc.gov.au).

### **What is the AAC Scheme?**

The AAC Scheme is a legal instrument that binds the AAC to monitor, enforce and improve the professional standards of its members and to provide protection for consumers of those professional services.

The AAC Scheme is exclusive to AAC members who are practising Registered Certifiers in New South Wales.

The AAC Scheme may cap the civil liability or damages that Scheme participants may be required to pay if a court upholds a claim against them.

### **Who administers the Scheme?**

The AAC administers the AAC Scheme using paid staff with input from committees.

Responsibility for administering the Scheme and ensuring compliance with the requirements of the Act and of the Councils rests with the AAC Executive Committee and AAC senior staff, predominantly the Chief Executive Officer, the Operations Manager, and & Training Coordinator. Additional staff, including a Scheme Manager, will be employed to assist where necessary.

The Association's address is: Suite 1B, 668 Old Princes Highway, Sutherland NSW 2232

## What is AAC?

The AAC is an occupational association of Registered Certifiers in New South Wales. The AAC is an incorporated association that is constituted by the AAC Constitution dated 23 September 2020 and is governed by a Board of Directors who are elected and appointed in accordance with its Constitution.

The AAC represents the interests of professionals participating in the certification of building and subdivision works in New South Wales. The Association represents both private Registered Certifiers and Registered Certifiers employed by local government.

AAC provides practical support to Registered Certifiers by providing education, representation of their views in government and key industry forums, and a platform to maintain and lift standards and risk management in the industry. We promote the delivery of responsible, reliable, and professional activities and services of Registered Certifiers to the building and development industry as well as to the wider public.

The AAC has the following objectives:

- To provide and promote the professional education and development of Members.
- To raise money to further the aims of the Association and to secure sufficient funds for the purposes of the Association.
- To receive any funds and to distribute these funds in a manner that best attains the objects of the Association.
- To do all such things as are incidental or conducive to the attainment of all or any of the objects of the Association.

The AAC's vision, mission and pillars are:

### VISION OF THE PROFESSION

A trusted and valued profession that certifies building and development projects in an independent, timely and reliable manner in the best interests of the public.

### MISSION

To represent the profession, support the development of a sustainable industry and provide services to members which work improve outcomes for the public.

### PILLARS

In order to achieve our Mission, AAC will:

- Provide educational and technical support to members, which works to improve outcomes for the public

- Represent and advocate the interests of members and the public
- Promote effective and consistent professional practices
- Promote recognition of AAC members and the profession
- Govern and manage the association effectively

## Where does the Scheme operate?

The AAC Scheme operates in New South Wales.

## When will the Scheme apply?

The Scheme will commence on 1 July 2026 and will operate for five years, in accordance with the legislation.

## Does the Scheme apply to all members?

The AAC Scheme applies to Full Members and Student Members who are practising Registered Certifiers and who hold professional indemnity insurance as required by Division 1 of Part 3 of the *Building and Development Certifiers Act 2018* (NSW) (B&DC Act).

## How does the Scheme operate?

The AAC has different types of memberships for Registered Certifiers and Building Inspector members and non-certifier members, such as Associate and Affiliate for individuals in the industry but not registered with Fair Trading.

All Registered Certifiers and Building Inspectors members, regardless of member type will be required to become members of the AAC Scheme.

Other members who are not registered to undertake building surveyor and certification work will not be included in the AAC Scheme.

## How is the level of limited liability of participating AAC members determined?

The levels of limited liability for participating AAC members are as follows:

GROUP	CERTIFICATION CATEGORY	MONETARY CEILING (maximum amount of liability)
1	Restricted – Floor area less than or equal to 2,000 square meters and a rise of three storeys or less	\$1 million
2	Unrestricted – all other buildings	\$2 million

## Can an AAC member exit the Scheme?

No, an AAC member who is a participant in the Scheme cannot opt out.

However, the AAC may exempt a member from the Scheme on application from that member.

The Exemption & Variation Policy contains details of how members can apply for an exemption.

## **How will consumers know if an AAC member is covered by the Scheme?**

The AAC is required to maintain a public register of Scheme members and will respond to public enquiries regarding Scheme member status.

All members of the Scheme are required to disclose on their letterhead, office stationery, client communications and websites that their liability is limited under a professional standards scheme.

The disclosure must comply with the form of statement prescribed in clause 9 of the *Professional Standards Regulation 2024* (NSW).

New Scheme members are informed of their statutory obligation, under section 33 of the Act, to comply with the disclosure notification requirement.

All Scheme members must annually declare ongoing compliance with this requirement.

Any breaches of the above are referred to the Council.

## **How long does the Scheme operate for?**

The Scheme will operate for five years from the date of commencement in accordance with legislation.

# **THE ASSOCIATION OF AUSTRALIAN CERTIFIERS AND ITS MEMBERS**

## **Who are AAC members?**

The AAC Scheme applies to Registered Certifier & Building Inspector members of the AAC.

Throughout this document, the term “Registered Certifier” includes Building Inspectors.

A Registered Certifier is a person who is registered under the B&DC Act and whose registration is in force. Registered Certifier members are generally Full and Full (Local Government) members. In addition, some Student members may also be Registered Certifiers or Building Inspectors.

Registered Certifiers and Building Inspectors have statutory obligations and functions which are mainly set out in the:

- *Building and Development Certifiers Act 2018* (B&DC Act)
- *Environmental Planning and Assessment Act 1979* (EP&A Act)

## What types of work do AAC members carry out?

Registered Certifiers (building surveyors) issue certificates under the EEP&A Act (construction certificates, complying development certificates and occupation certificates), act as the principal certifier for development, and inspect building work.

The principal certifier will attend the site to carry out mandatory inspections at certain stages. When construction is complete, the certifier may issue an occupation certificate, which signifies that the work:

- is 'suitable for occupation' – this does not necessarily mean all building work is complete
- is consistent with the approved plans and specifications
- meets all applicable conditions of the approval.

The certifier does not manage or supervise builders or tradespeople or certify that the builder has met all requirements of the applicant's contract with the builder.

What does a registered building inspector do?

Registered building inspectors carry out inspections of building work with the approval and agreement of the principal certifier. Building inspectors are not authorised to issue certificates or be appointed as the principal certifier.

## Where can I find more information?

For more information, contact the Scheme Manager:

T: 1300 725 935

E: [scheme@aacertifiers.com.au](mailto:scheme@aacertifiers.com.au)