



Public Consultation Document

The Australian Institute of Building Surveyors has prepared a professional standards scheme under the Professional Standards Act 1994 (NSW).

Each state and territory has professional standards legislation to:

- protect consumers of professional services and other occupational services
- improve occupational standards
- allow scheme participants to limit their civil liability.

The Professional Standards Council of New South Wales invites public comments and submissions on our scheme by 14 January 2026.

Your comments will provide valuable insight into how consumers view and understand our proposed scheme. This will help the Council decide whether to approve the scheme or not. If Council approves the scheme, it will then need the relevant attorney-general or minister's authorisation.

This document covers:

1. Australian Institute of Building Surveyors and our members
2. Our proposed scheme
3. The benefits of our scheme
4. Comments and submissions

1. Australian Institute of Building Surveyors and our members

Who is the Australian Institute of Building Surveyors?

AIBS is a company limited by guarantee operating as a not-for-profit member organisation. AIBS is an occupational association of building surveyors.

Our vision is for safe compliant buildings, and success in delivering against our vision would look like this:

- A consistently implemented uniform building regulatory system across Australia.
- A highly respected sustainable profession.
- Safe buildings that comply with the national building code and regulations.
- An increasing and engaged loyal Membership.

Our mission is to achieve the highest standard of professionalism through:

- Setting professional standards
- Supporting members
- Facilitating Professional Development
- Education and information pathways – informed practitioners and consumers
- Advocacy – raise the profile

Who are our members?

AIBS has two types of members; Practicing Members and Non-Practicing Members.

	Membership Categories	Requirements of Members
Practicing Member	<ul style="list-style-type: none">▪ Accredited Member▪ Accredited Fellow▪ Accredited Life Fellow	<ul style="list-style-type: none">▪ Undertake defined building surveying work.▪ Must hold AIBS accreditation.▪ Are subject to the Professional Standards Scheme.
Non-practicing Member	<ul style="list-style-type: none">▪ Student Member▪ Graduate Member▪ Associate Member▪ Academic Member▪ Retired Member▪ Retired Fellow▪ Retired Life Fellow▪ Complimentary Member	<ul style="list-style-type: none">▪ Do not undertake defined building surveying work.

What types of work do our members do?

Building surveyors are professionally qualified and trained individuals with unique knowledge in the application of technical and regulatory requirements to determine compliance of building design and construction. Building surveyors provide services within consulting and statutory roles. Statutory building surveyors have legislative authority in relation to ensuring that buildings, building alterations, building improvements, and building use comply with the relevant building standards and regulations.

Building Surveyors perform a compliance review function during the construction process to facilitate the delivery of buildings that are safe and suitable for occupation.

The result of statutory building surveying work should be that the end users of buildings (owners or occupiers) are less likely to be exposed to personal injury or liability for injury, are less exposed to additional costs of repair or excessive maintenance work in order to enable use, and that the value in use of the asset (the building) is not adversely impacted due to non-compliance.

Whilst statutory building surveyors work with other building professionals involved in the building process (builders, architects, civil engineers, electrical engineers, fire engineers, developers, manufacturers etc.), the work of statutory building surveyors is discrete, separate and independent of those other parties, particularly as it involves the exercise of a regulatory function which other professionals are not able to perform.

Building surveyors acting in statutory roles undertake the following functions:

- a. assess and determine or certify the extent to which application documents comply with technical building requirements;
- b. issue approvals, consents or building permits as applicable under relevant State and Territory laws;
- c. inspect building work to audit compliance with relevant laws;
- d. inspect health and safety aspects of existing buildings to verify ongoing compliance with approval or occupation requirements;
- e. where authorised by State and Territory laws, take appropriate compliance and enforcement actions to ensure building work complies with regulatory requirements;
- f. certify inspected works as complying with regulatory requirements and/or approved documents; and
- g. approve the use and occupation of buildings or parts of buildings in accordance with relevant laws.

Consulting Work

Consulting building surveyors work with a broader range of industry professionals, bodies and clients than statutory building surveyors as there are no legislative constraints to the engagements they accept. Provided consultant building surveyors are acting within the limitations of their qualifications and experience, there is a broad range of occupational work that can be undertaken.

The result of consulting building surveying work should be that the end users of buildings (owners or occupiers) are less likely to be exposed to personal injury or liability for injury, are less exposed to additional costs of repair or excessive maintenance work in order to enable use, and that the value in use of the asset (the building) is not adversely impacted due to non-compliance.

Building surveyors acting in consulting roles undertake the following functions:

- a. providing design advice to assist in the provision of compliant proposal documentation;
- b. provide advice to building owners and builders in response to statutory inspections of building work in progress to advise on how to achieve compliance with relevant laws;
- c. inspect building work on behalf of a building owner to audit agreed aspects such as compliance with relevant laws and contractual requirements including in relation to fitness of purpose and consumer law related aspects of work by the owner's builder;
- d. inspect buildings to ascertain and report on the reasons for failures, defects or other aspects of unsatisfactory performance, on behalf of the building owner, builder, design consultant, insurer, a regulator or as an expert assisting a legal process;
- e. provide advice to owners and operators of buildings about achieving ongoing compliance with approval or occupation requirements designed to protect health and safety aspects of existing buildings and also but not necessarily on work health and safety legislation compliance;
- f. provide advice to owners and builders responding to compliance and enforcement actions related to how to remediate building work that has been performed otherwise than in conformity with regulatory requirements;
- g. provide expert evidence to a Court, Arbitrator or Tribunal;
- h. provide compliance assessment services to product and material certification accreditation bodies to be used as part of certification of products;
- i. provide opinions or assessments of the adequacy of work performed by other building surveying practitioners to inform an audit process operated by a regulator or other body.

Note that the AIBS Professional Standards Scheme only applies to Building Surveyors. The Scheme does not apply to other surveyors or building professionals such as land and cadastral surveyors, quantity surveyors, structural engineers, fire engineers, civil engineers, architects, electrical engineers, plumbers, property valuers, registered project managers or registered builders.

2. Our proposed scheme

What is a professional standards scheme?

A professional standards scheme is a legal instrument that obliges associations to monitor, enforce and improve the professional standards of their members. This is designed to help protect the people, or consumers, who use their members' services.

These associations are organisations that have been approved by the Professional Standards Councils as being able to regulate professionals in a particular occupation, such as IT, accounting or law.

Professional standards schemes do this by requiring associations to implement systems for the continuous improvement of professional standards and consumer protections, in exchange for capping the civil liability of, or the amount of damages that can be paid by, professionals who belong to a participating association's scheme.

These two elements of professional standards schemes operate to put downward pressure on professional indemnity insurance costs, which is in the interests of both consumers and professionals.

The objects of the Professional Standards Act 1994 (NSW) are as follows:

- (a) to enable the creation of schemes to limit the civil liability of professionals and others,
- (b) to facilitate the improvement of occupational standards of professionals and others,
- (c) to protect the consumers of the services provided by professionals and others,
- (d) to constitute the Professional Standards Council to supervise the preparation and application of schemes and to assist in the improvement of occupational standards and protection of consumers.

What is the Australian Institute of Building Surveyors (AIBS) Professional Standards Scheme?

The AIBS Professional Standards Scheme limits the civil liability or damages that building surveying professionals under the Scheme may incur if a court upholds a claim against them.

The Scheme obliges AIBS to monitor, enforce and improve the professional standards of Scheme Members thereby reducing risk for consumers of professional services.

The AIBS Professional Standards Scheme upholds the professional standards of Scheme Members and ensures that clients have access to appropriately qualified and skilled building surveyor practitioners for representation and advice.

The AIBS Scheme ensures that Members are appropriately qualified and experienced, insured appropriately, participate in continuing professional development, and are subject to complaints and disciplinary procedures.

The benefit to consumers of the Scheme is an assurance that building surveyors operating under the scheme are operating at the highest of professional practice, and that they are well served by appropriately qualified, experienced, ethical, and responsible building surveyors.

How does the scheme operate?

The professional standards scheme is a legal instrument that caps the damages that participating members of an occupational association can be liable for if a court upholds a relevant claim against them. An association with an approved scheme must meet statutory reporting obligations and show that it regulates its members to improve their professional standards and protect consumers of their professional services. This benefits the association by increasing consumer confidence in the profession.

A scheme operates for up to 5 years. At the end of the approved period, the scheme expires and has no legal effect. Before it expires, the association may apply for a new scheme, intended to operate in continuity with the old scheme. In this instance, AIBS has an established scheme which expires on 30th June 2026, and is applying for a new scheme that will operate in continuity with the old scheme for a further five years.

Professional standards legislation seeks to protect consumers by striking a balance between:

- placing a ceiling on the amount of civil liability to which a member of an association participating in a scheme may be exposed
- ensuring sufficient compensation is available to consumers for the vast majority of claims where liability results in an award of damages
- requiring associations operating schemes to continuously improve the standards of competence and conduct of its members, so that claims are reduced in quantity and severity.

An association usually applies for a scheme in the state or territory where it is incorporated or headquartered, for the scheme to operate there. However, professional standards legislation operates as a harmonised national system. So, if a scheme would operate in 2 or more states or territories, the application will be considered under the corresponding laws using mutual recognition provisions. These provisions require the Councils to consider any matter that the Councils for the other jurisdictions would have to consider.

Who administers the scheme?

The AIBS Professional Standards Scheme will be administered by the AIBS team under the direction of the CEO and governed by the AIBS Board.

AIBS Address: Suite 5.04, Level 5, 828 Pacific Highway, Gordon, NSW 2072.

Where does the scheme operate?

The Scheme will have force in the Australian Capital Territory, New South Wales, the Northern Territory, Queensland, South Australia, Tasmania, Victoria, Western Australia.

When will the scheme apply?

The Scheme will commence on 1st July 2026 and will remain in force for 5 years from the commencement date.

Does the scheme apply to all members?

The Scheme applies to all Practicing Members (including Accredited Body Corporate Members) of the AIBS as defined in the AIBS Membership Policy.

How is participating members' level of limited liability determined?

This Scheme only affects the liability for damages arising from a single cause of action to the extent to which the liability results in damages exceeding the limits specified in the table below:

Liability Category	Building Type	Liability Limit
Category 2	Building with a floor area less than or equal to 2,000 square meters and a rise of three storeys or less	\$1 million
Category 1	All other buildings	\$2 million

In establishing the current AIBS Scheme in 2021, AIBS and the Professional Standards Councils and their actuaries examined 10 years of data of claims against building surveyors' professional indemnity insurance, to determine appropriate liability limits.

This data has been further supplemented with additional data for claims since the inception of the scheme to verify that the proposed liability limits remain appropriate for the proposed scheme.

Can an AIBS member leave the scheme?

Practicing members who work solely for local government or other public entities and where that entity is not able to meet the professional indemnity insurance requirements may apply for an exemption. Practicing members who are able to demonstrate that they do not and will not undertake building surveying work, such as academics, may also apply for an exemption from the Scheme.

How will consumers know if an AIBS member is covered by the scheme?

Professional Standards Legislation requires the following disclosure statement for association members who are covered by a professional standards scheme:

Liability limited by a scheme approved under
Professional Standards Legislation

The above statement is designed to give consumers clear notice that the person is a recognised professional and that they operate under an approved professional standards scheme.

The disclosure statement is to appear on all materials given (or caused to be given) by members of an association to clients or prospective clients that promote or advertise the person or their occupation.

AIBS conducts periodic audits of members to monitor compliance with the disclosure requirements, and works with members to address issues that arise in this regard.

3. The benefits of our scheme

How will consumers benefit from the scheme?

As an operator of a professional standards scheme, AIBS is required to regulate its members that fall under the scheme, ensuring that they are appropriately qualified and experienced, that they hold insurance arrangements in place consistent with the AIBS Insurance Standards, that they demonstrate a commitment to continuing professional development and are subject to complaints and disciplinary procedures enforced by AIBS.

AIBS is also required to monitor and address professional risk, and the organisation is uniquely placed to perform this role through its engagement with stakeholders including government, regulators, educators, industry, consumers and the community. This engagement provides rich insights that enable AIBS to address professional risk and deliver better outcomes for consumer and the community, by advocating for policy reform and delivering targeted education and training to members.

How does the scheme enhance our members' occupational standards?

In regulating its members, AIBS ensures the high occupational standards of members through:

- Stringent entry requirements when joining the scheme, including minimum qualifications and levels of experience.
- Defined Insurance Standards that ensure that AIBS members meet minimum requirements for cover.
- Continuous improvement in the professional practice of members, through their compliance with the AIBS Continuing Professional Development Program, and the program of training and education offered by AIBS. Enforcement of AIBS complaints and disciplinary procedures that address issues raised about AIBS members by consumers, regulators and other stakeholders.
- Advocacy by AIBS to influence and shape the policy landscape within which building surveyors are practicing, through its engagement with government, regulators and industry.

How does limiting participant liability help consumers?

One of the key benefits of Professional Standards Schemes is that they limit the civil liability of professionals who take part in them. In other words, they cap the amount of damages that a court can award to a client if they succeed in certain claims against a professional.

These limits vary from scheme to scheme, and the associations need to demonstrate that these limits are high enough to cover losses any person and most companies would suffer if they needed to make a claim.

How limited liability protects you

Consumers are entitled to approach the court with claims for damages against professional service providers who have failed to discharge their duties properly.

But if their professional service provider is inadequately insured, consumers can end up missing out on any compensation awarded by the court, while still having to pay court costs and other expenses.

Professional Standards Schemes address this dilemma by limiting liability – and making sure that, if a claim is upheld by a court, participating professionals are able to meet any damages awarded at or below that limit.

This allows more professionals to stay in business, which increases competition and provides more choice. It also stops professionals from going bankrupt if one of their clients makes a successful claim – a situation that would potentially leave them unable to pay the damages awarded to the consumer concerned.

Is the scheme a professional indemnity insurance scheme?

There are a number of factors in operating a professional standards scheme, that can deliver positive outcomes for the availability and affordability of professional indemnity insurance:

- Establishing a limitation of liability informed by historic claims data can better inform the market of what a reasonable level of cover looks like.
- Regulating members and ensuring that they are operating at the highest standards of professional practice, can reduce the incidents and size of claims.
- The role of AIBS as an occupational association that understands and manages professional risk, enables the organisation to better educate members, influence policy reform and the operating landscape for building surveyors, which in turn can reduce incidents and size of claims.

What continuing education can members access?

The AIBS Continuing Professional Development (CPD) Program defines the requirements that members need to meet in terms of ongoing education and training, in order to remain part of the Scheme. This modular program and points-based system, covers the following learning areas to ensure that members have a broad and deep understanding of the key facets of professional practice:

- National Construction Code and Relevant Standards
- Law and Legislative Practice
- Professional Practice
- Ethics and Risk

To remain CPD compliant, members need to achieve a minimum number of points yearly in addition to achieving a minimum number of points in each module over a three-year period.

AIBS also delivers its own program of in-person and virtual training and education events, covering subject matter across the modules, and addressing the changing landscape of practice and risk.

How are complaints and discipline managed?

AIBS members are required to comply with the AIBS Code of Professional Conduct, which defines and regulates acceptable standards of conduct and professionalism required of AIBS members.

Complaints regarding any alleged breach of the Code by an AIBS member, can be made in writing to the CEO. Complaints are managed by the CEO in consultation with the AIBS Board, and complaints may be referred to the Professional Practice Panel which provides advice to the Board on professional risk including complaints and disciplinary matters. AIBS takes a disciplined approach to handling complaints, as defined in the AIBS By-Laws, ensuring clear communication occurs with the parties involved, and a timely resolution of complaints.

AIBS members are required to provide disclosure to AIBS of any disciplinary action that may be taken on them by regulators. In these cases, AIBS will also consider whether the member has contravened the AIBS Code of Professional Conduct and may also take appropriate disciplinary action on the member.

In managing complaints and disciplinary actions, AIBS remains informed about the changing landscape of professional risk, and this informs actions that it may take to address the risk which includes targeted education and training of members and advocating for policy reform where appropriate.

4. Comments and submissions

How can I make a comment or submission?

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

- Are you a member of the Australian Institute of Building Surveyors?
- Are you already a consumer of building surveying services covered by the proposed scheme?
- Do you think the scope of the scheme is clear? (including work, jurisdictions and membership classes covered)
- Is it clear how you, as a member or consumer, could make a complaint?
- Can you describe how consumers would benefit from AIBS members' services being covered by a scheme?

Please send comments and submissions (preferably as a letter) to:

The Chief Executive Officer
Professional Standards Councils
Level 2, St James Centre
111 Elizabeth Street
Sydney NSW 2000.

You can also contact the Councils by:

- email: pscinfo@psc.gov.au
- phone: 1300 555 772 or (02) 8315 0800
- website: www.psc.gov.au.

How are comments and submissions managed?

The Council must consider all comments and submissions it receives, 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.

Where can I find out more?

To find out more about the Australian Institute of Building Surveyors and our proposed professional standards scheme, please contact:

Email: memberservices@aibs.com.au

Phone: 1300 312 427