



AIBS

National Accreditation Scheme

Scheme Rules

Australian Institute of Building Surveyors

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PART A: PREFACE

1. Introduction

- 1.1 The AIBS *National Accreditation Scheme* (the *Scheme*) establishes criteria that must be met by building surveying professionals seeking *accreditation* in order to practice.
- 1.2 Applicants seeking *accreditation*, *re-accreditation* or *accreditation upgrade* must demonstrate that they meet the *accreditation* criteria required by the *Scheme*.

2. Objectives of the Scheme

- 2.1 The primary objectives of the *Scheme* are to specify:
 - 2.1.1 appropriate categories of *accreditation*;
 - 2.1.2 minimum qualifications a *person* must hold to be accredited in a particular category of *accreditation*;
 - 2.1.3 minimum levels of experience a *person* must have to be accredited in a particular category of *accreditation*;
 - 2.1.4 processes and procedures for the administration of the *Scheme*;
 - 2.1.5 the Code of Conduct that each *accredited person* must adhere to; and
 - 2.1.6 the CPD Program for re-accreditation.
 - 2.1.7 The auditing of *accredited persons* as per the AIBS Audit Program

3. Role of the Board

- 3.1 The *Board* is responsible for establishing, administering, monitoring and updating the *Scheme* to ensure that it meets and continues to meet its objectives.
- 3.2 The *Board* is responsible for ensuring that the standards and processes for *accreditation* are sufficiently rigorous to ensure that *accredited persons* meet the *accreditation* criteria and comply with any ongoing *accreditation* conditions or requirements.
- 3.3 The *Board* is responsible for making adequate legal and financial arrangements to cover liabilities arising from *Scheme* activities.

4. Definitions

Accreditation means the status of public recognition granted to applicants who meet the relevant criteria required for accreditation;

Accredited person means a person who has been issued a certificate of *accreditation* in one or more of the categories of *accreditation* established under the *Scheme*.

Accreditation Upgrade means a new application for a higher level of *accreditation*.

AIBS means the Australian Institute of Building Surveyors;

Audit Program means the audit program determined by the Board as published on the AIBS website and amended from time to time;

Board means the Board of AIBS and where relevant, includes delegates of the *Board*;

Body Corporate includes a company constituted under the *Corporations Act 2001* (Cth) and other forms of entities constituted under State and Territory legislation and which have the status of a legal person in that they can sue and be sued.

By-Laws means the AIBS By-Laws

Code of Professional Conduct means the AIBS Code of Professional Conduct determined by the Board pursuant to clause 11.1 of the By-Laws and as amended from time to time;

CPD means continuing professional development, which includes systematic maintenance, improvement and broadening of knowledge and skills, and the development of personal qualities necessary for the competent execution of professional and technical duties throughout the working life of an *accredited person*;

CPD Program means the CPD program determined by the Board as published on the AIBS website and amended from time to time;

Delegate means a person authorised by the Board to assess and determine applications for *accreditation*, *re-accreditation* and *accreditation upgrade* in accordance with the *Scheme*.

Disciplinary Action includes but is not limited to formal disciplinary proceedings in a Court or Tribunal, complaints made to a statutory commission, board, authority or other similar body against an Accredited person regardless of the outcome of the proceedings or complaint.

Financial interest means ownership of any per cent or equitable interest, or as a relationship as director, advisor or other active participation in the affairs of an activity;

National Accreditation Office means the office and staff of the Australian Institute of Building Surveyors that is responsible for undertaking all administrative matters related to *accreditation*, *re-accreditation* and *accreditation upgrade*;

National Accreditation Panel means a panel of suitably qualified persons appointed and authorised by the Board to assess applications for *accreditation*, *re-accreditation* and *accreditation upgrade*;

Payments, advances, or reimbursements means monies paid or repaid for travel expenses (including actual transportation, related accommodation and meals), which may reasonably be related to procedures under the *accreditation Scheme*;

Person has the meaning ascribed to that term by section 22(1)(a) of the *Acts Interpretation Act* (Commonwealth). For the sake of completeness, this definition includes Body Corporates.

Re-accreditation means the process of renewing a certificate of *accreditation*, thus maintaining a *person's accreditation* under the *Scheme*;

Recognised Qualification is defined in clause 7.

Recognised Registered Training Organisation means a training provider offering a course of study that has been approved by the Board to achieve a qualification recognised for a particular category of *accreditation*;

Scheme means the AIBS National Accreditation Scheme Rules as contained herein;

Statutory building surveying services means the carrying out of statutory duties, powers and functions under State or Territory law by individual *accredited persons*. Statutory building services include but are not limited to the issue and refusal of consents, permits, approvals, orders, notices and certificates as well as inspections.

Working Day means any day of the week excluding Saturday and Sunday and any day that is a National Public Holiday (being the holidays of New Year's Day, Australia Day, Good Friday, Easter Monday, ANZAC Day, Christmas Day and Boxing Day).

PART B: ACCREDITATION

5. Categories of accreditation

5.1 The categories of *accreditation* are:

5.1.1 Building Surveyor (Level 1)

A Building Surveyor is accredited to undertake the following building surveying functions for buildings of all classes (as defined by the Building Code of Australia) and of unlimited size:

- a) assess and approve or certify plans for compliance with building regulatory requirements;
- b) issue approvals, consents or building permits as applicable under relevant State and Territory laws;
- c) undertake inspections of building work to check compliance with relevant laws;
- d) inspect the health and safety of existing buildings;
- e) where authorised by State and Territory laws, take appropriate actions to ensure building work complies with regulatory requirements;

- f) certify inspected works as complying with regulatory requirements and/or approved plans; and
- g) approve the use and occupation of buildings or parts of buildings in accordance with relevant laws.

5.1.2 Building Surveyor Limited (Level 2)

A Building Surveyor Limited* is accredited to undertake the following building surveying functions for all classes of buildings (as defined by the Building Code of Australia) unless legislated otherwise that are not more than 2000m² in floor area and not more than 3 storeys in height:

- a) assess and approving or certifying plans for compliance with building regulatory requirements;
- b) issue approvals, consents or building permits as applicable under relevant State and Territory laws;
- c) undertake inspections of building work to check compliance with relevant laws;
- d) inspect the health and safety of existing buildings;
- e) where authorised by State and Territory laws, take appropriate actions to ensure building work complies with regulatory requirements;
- f) certify inspected works as complying with regulatory requirements and/or approved plans; and
- g) approve the use and occupation of buildings or parts of buildings in accordance with relevant laws.

5.1.3 Assistant Building Surveyor (Level 3)

An Assistant Building Surveyor** is accredited to undertake the following building surveying functions for Class 1 and Class 10 buildings (as defined by the Building Code of Australia) unless legislated otherwise that are not more than 500 m² in floor area and not more than 2 storeys in height –

- a) assess plans and provide advice on compliance with regulatory requirements;
- b) undertake inspections of building work to check compliance with relevant building laws;
- c) issue inspection certificates for complying work that may be relied on by other building surveyors in the issuing of compliance certificates; and
- d) provide advice on or to assist in building surveying functions such as the assessment of plans and issuing of approvals for the use and occupation of buildings or parts of buildings where appropriate and required by relevant building laws.

5.1.4 Accredited Body Corporate

An Accredited Body Corporate is accredited to provide building surveying advisory and consultancy services to clients as well as demonstrating consistent, best-practice process and procedures in statutory building surveying services delivered by individual *accredited persons* who are directors of, or employed by the Body Corporate.

- 5.2 The *Board* may vary the categories of *accreditation* or recognise additional categories of *accreditation*, subject to appropriate qualifications, experience, and continuing professional development requirements being determined and agreed for each category.

6. Accreditation criteria

- 6.1 For *accreditation* as a Building Surveyor (Level 1), an applicant must have and maintain:

- 6.1.1 Recognised Qualifications as appropriate for this category of *accreditation*; and
- 6.1.2 a minimum of three (3) years of relevant experience in building surveying recognised by the Board in accordance with clause 8.

- 6.2 For *accreditation* as a Building Surveyor Limited (Level 2), an applicant must have and maintain:

- 6.2.1 Recognised Qualifications as appropriate for this category of *accreditation*; and
- 6.2.2 a minimum of two (2) years of relevant experience in building surveying recognised by the Board in accordance with clause 8.

- 6.3 For *accreditation* as an Assistant Building Surveyor (Level 3), an applicant must have and maintain:

- 6.3.1 Recognised Qualifications as appropriate for this category of *accreditation*; and
- 6.3.2 a minimum of 6 months of relevant experience in building surveying recognised by the Board in accordance with clause 8.

- 6.4 For accreditation as an Accredited Body Corporate, the Body Corporate must:

- 6.4.1 employ one (1) or more individual *persons* accredited as per clauses 5.1.1 – 5.1.3 above and, where the Body Corporate is a company, it must have at least one (1) director so accredited;
- 6.4.2 provide advisory and consultancy services to clients and/or *statutory building surveying services*
- 6.4.3 be committed to the highest standards of building surveying professional practice.

7. Recognised Qualifications

- 7.1 The *Board* shall determine Recognised Qualifications for each category of *accreditation*.
- 7.2 Qualifications recognised by the *Board* as appropriate for each category of *accreditation* will be published on the AIBS website.
- 7.3 The *Board* or its delegates will assess whether an applicant meets the relevant recognised qualifications required for *accreditation* on the basis of the documents and information submitted with the application.
- 7.4 Where an applicant does not hold the Recognised Qualifications required for a particular *accreditation* category, but considers that they possess qualifications which are equivalent to Recognised Qualifications the applicant may apply to the Board for recognition of their qualifications.
- 7.5 For the sake of clarity, the Board may in its discretion, recognise the current registration level of a building surveyor in a State or Territory legislative scheme to the equivalent level within the AIBS Accreditation Scheme where equivalent or similar Recognised Qualifications apply to the State or Territory legislative scheme.
- 7.6 Where an applicant applies for recognition of their qualifications in accordance with clause 7.4:
- 7.6.1 the applicant bears the onus of demonstrating that the applicant's qualifications are equivalent to or exceed the relevant Recognised Qualifications;
 - 7.6.2 the Board is not fettered in its discretion as to whether or not to recognise the applicant's qualifications;
 - 7.6.3 the applicant must provide the *Board* with any information the Board considers necessary to determine whether the applicant's qualifications are to be recognised.

8. Experience

- 8.1 The *Board* shall determine the relevant level of experience required for each category of *accreditation*. Determinations will be published on the AIBS website and will be reviewed from time to time.
- 8.2 Relevant experience recognised by the *Board* as appropriate for *accreditation*, relevant to each individual category of *accreditation* will be published on the AIBS website.
- 8.3 The *Board* or its delegates will assess whether an applicant for *accreditation* or an *accreditation upgrade* meets appropriate and relevant experience requirements for *accreditation* on the basis of the documents and information submitted with the application.
- 8.4 The Board or its delegates shall only recognise experience obtained in the six (6) years prior to the date of application for *accreditation* or an *accreditation upgrade*.
- 8.5 In submitting evidence of the applicant's experience:

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- 8.5.1 the applicant must submit a professional experience form published on the AIBS website together with all prescribed supporting information;
 - 8.5.2 the applicant must provide the *Board* or its delegates with any information the Board or its delegates considers necessary to consider the applicant's experience;
 - 8.5.3 the applicant bears the onus of demonstrating the applicant has the relevant experience.

9. Applications for accreditation or an accreditation upgrade

- 9.1 An application for *accreditation* or for an *accreditation upgrade* must:
 - 9.1.1 be submitted to the *National Accreditation Office*:
 - a) in writing, using the form approved by the *Board* and published on the AIBS website; or
 - b) online, using the AIBS website secure online portal;
 - 9.1.2 subject to clause 9.2 below, be accompanied by evidence of the applicant's qualifications and experience relevant to the category of *accreditation* being sought and all supporting documentation; and
 - 9.1.3 be accompanied by the relevant application fee as prescribed on the AIBS website.
- 9.2 Where:
 - 9.2.1 an applicant was previously *accredited*; and
 - 9.2.2 their accreditation has lapsed pursuant to clause 11.5 below; and
 - 9.2.3 no more than three years has passed since their accreditation lapsed; and
 - 9.2.4 the applicant has complied with the CPD Program during the period they were accredited and since their accreditation lapsed and can produce evidence of same; and
 - 9.2.5 the applicant seeks the same accreditation as they held previously,clause 9.1.2 does not apply to their application.
- 9.3 An application for annual *re-accreditation* must-
 - 9.3.1 be submitted to the *National Accreditation Office*:
 - a) in writing, using the form approved by the *Board* and published on the AIBS website; or
 - b) online, using the AIBS website secure online portal;
 - 9.3.2 be accompanied by evidence of the applicant's compliance with the CPD Program and all supporting documentation;

- 9.3.3 contain a declaration confirming that the applicant has not been subject to any disciplinary action by a relevant State or Territory regulating authority or, if the applicant has been subject to disciplinary action, what action was taken, by whom and the outcome; and
- 9.3.4 be accompanied by the relevant application fee as prescribed on the AIBS website.
- 9.4 The Board may determine that an application (or type of application) for *accreditation*, *re-accreditation* and *accreditation upgrade* be assessed and determined by a delegate, the National Accreditation Panel or the Board.

10. Assessment and determination of applications

- 10.1 Applications will be received by the *National Accreditation Office* and assessed by a *delegate* against the relevant *accreditation* criteria.
- 10.2 The *delegate* may require the applicant provide further information or evidence, either verbally or in writing, in support of their application.
- 10.3 The delegate may refuse an application for *accreditation*, *re-accreditation* or an *accreditation upgrade* where the applicant refuses or cannot provide further information or evidence, either verbally or in writing, in support of their application.
- 10.4 During the assessment process, the delegate may-
 - 10.4.1 refer an application to a relevant, *Recognised Registered Training Organisation* or other appropriate *person* for advice regarding the applicant's qualifications; and/or
 - 10.4.2 consult with any *person* to verify or clarify an applicant's experience; and/or
 - 10.4.3 request the applicant to attend an interview via teleconference, webinar, other digital means or at a suitable venue in order to verify, clarify or expand on any information submitted with an application; and/or
 - 10.4.4 require the applicant to provide further written evidence, undertake an oral or written examination, or otherwise provide a demonstration of the applicant's qualifications, experience, skills or knowledge.
- 10.5 Having assessed an application, the delegate may
 - 10.5.1 issue or renew a certificate of *accreditation* unconditionally; or
 - 10.5.2 issue or renew a certificate of *accreditation* subject to conditions; or
 - 10.5.3 issue a certificate of *accreditation* that the delegate considers appropriate (regardless of whether the applicant has applied for a different category of *accreditation*).
 - 10.5.4 refuse to issue or renew a certificate of *accreditation*; or

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- 10.6 Having assessed an application, the delegate must, where a decision is in accordance with subsection 10.5.2, 10.5.3 or 10.5.4 give notice in writing to the applicant of the decision and provide the reasons for the decision.
 - 10.7 Where an application is received per clause 9.2 above, the delegate must approve the application.

11. Applications for re-accreditation

- 11.1 An application for *re-accreditation* must be received prior to the expiry date of the certificate of *accreditation* or as advised by the National Accreditation Office.
- 11.2 Any application for *re-accreditation* received after the expiry date of the certificate of *accreditation* will be determined as a new application for *accreditation* in accordance with the *Scheme*.
- 11.3 If an application for *re-accreditation* has been received prior to the expiry date of the certificate of *accreditation* and has not been determined before the expiry of the certificate of *accreditation*, the certificate of *accreditation* (if not suspended or previously cancelled) continues to apply until such time as the application for re-accreditation is determined in accordance with the *Scheme*.
- 11.4 If an application for *re-accreditation* has been received within 30 days of the expiry of the certificate of accreditation:
 - 11.4.1 the applicant will be required to pay the relevant late application fee prescribed on the AIBS website;
 - 11.4.2 the certificate of accreditation will lapse on the expiry date, unless the applicant requests an extension to their *accreditation* and provides reasons in support of the extension;
 - 11.4.3 the delegate will determine whether or not to grant an extension of the accreditation until such time as the application is determined, and may grant such extension subject to any necessary conditions;
 - 11.4.4 upon the grant of extension by the delegate, the application will be considered as an application for *re-accreditation* notwithstanding the expiration of the certificate of *accreditation*; and
 - 11.4.5 the certificate of *accreditation* (if not suspended or previously cancelled) continues to apply until such time as the application for re-accreditation is determined in accordance with the *Scheme*.
- 11.5 For the avoidance of doubt, a certificate of accreditation lapses on the expiry date. An extension to a certificate of accreditation may be granted by the delegate in accordance with clause 11.4.3 above where an application for re-accreditation is made after the expiry date, but no later than 30 days of the expiry date. Where applications for re-accreditation are made more than 30 days after the expiry date, an extension cannot be granted by the delegate and the application must be refused.
- 11.6 Whenever a certificate of accreditation lapses and an extension is not granted in accordance with clause 11.4.3 above, AIBS will notify any relevant State or Territory regulating authorities in this regard.

PART C: OBLIGATIONS OF ACCREDITED PERSONS

12. Terms of accreditation

- 12.1 Unless determined otherwise, a certificate of *accreditation* expires one (1) year after the date on which the certificate of *accreditation* is issued.
- 12.2 A *person* issued with a certificate of *accreditation* under the *Scheme* must-
 - 12.2.1 comply with any restrictions or conditions placed on their certificate of *accreditation*; and
 - 12.2.2 comply with the *Code of Professional Conduct*; and
 - 12.2.3 comply with the CPD Program; and
 - 12.2.4 comply with the AIBS Audit Program by participating in audits as required and cooperating with audit processes; and
 - 12.2.5 pay all relevant fees prescribed on the AIBS website;
 - 12.2.6 not practice above their level or category of *accreditation*;
 - 12.2.7 notify the *National Accreditation Office* within five (5) *working days* of any change which may affect the *person's* ability to hold a certificate of *accreditation*;
 - 12.2.8 notify the *National Accreditation Office* within ten (10) *working days* of any change to their contact details, such as (but not limited to) a change of address or a name change.
 - 12.2.9 provide all other information as may be requested by AIBS in its discretion from time-to-time;
 - 12.2.10 Declare any *Disciplinary Action* applicable to them as soon as reasonably practicable
- 12.3 All benefits derived from *accreditation*, *re-accreditation* or *accreditation upgrades* apply to the *person* issued with a current *accreditation* certificate.
- 12.4 A *person* must not advertise themselves as an *accredited person* under this *Scheme* unless that *person* holds a current certificate of *accreditation*.
- 12.5 A *person* whose certificate of *accreditation* lapses, is revoked or suspended, must:
 - 12.5.1 remove any reference to *accreditation* under this *Scheme* from their advertising material and business or personal documentation; and
 - 12.5.2 notify any relevant government agency, statutory authority, or licensing body that has a statutory interest in the licensing, registration or *accreditation* of that particular category of *accreditation*, of the changes to that *person's accreditation*.

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- 12.6 Where a *person* has had their *accreditation* suspended, *accreditation* fees continue to be payable during the period of suspension unless the *person* under suspension applies to the *Board* for a waiver or deferment of the fees and the *Board* agrees to waive or defer the payment of the relevant fees.
- 12.7 The Board may revoke or suspend the *accreditation* of a *person* who does not comply with the terms of *accreditation*.
- 12.8 A *person* who has had their *accreditation* suspended for a period fixed by the *Board*:
- 12.8.1 is required to comply with the CPD Program during the period of suspension; and
- 12.8.2 will on the completion of the suspension have their *accreditation* reinstated.
- 12.9 An *accredited person* may apply in writing to the *Board* or its delegates for a leave of absence from *accreditation* and relief from the continuing professional development requirements for a period not exceeding two (2) years.
- 12.10 An *accredited person* granted leave of absence from *accreditation* may apply to the *Board* for relief from payment of the prescribed annual *accreditation* fee for the period of leave granted.
- 12.11 For the avoidance of doubt, all *accredited persons* are subject to the *Code of Professional Conduct*. All complaints regarding an alleged breach of the *Code of Professional Conduct* by an *accredited person* are to be made, investigated and determined in accordance with clause 1.12 of the *By-Laws*.

PART D: ADMINISTRATION OF THE SCHEME

13. Responsibilities of the Board

- 13.1 The *Board* is responsible for-
- 13.1.1 establishing, administering and monitoring the *Scheme*, *Audit* and CPD Programs;
- 13.1.2 determining the categories of *accreditation* and required qualifications and relevant experience for each category of *accreditation*;
- 13.1.3 ensuring that the standards and processes for *accreditation* are sufficiently rigorous to ensure that the *accreditation* of individuals will meet the objectives of the *Scheme*;
- 13.1.4 ensuring that records of applications made under the *Scheme* and their outcomes are recorded and filed by the *National Accreditation Office* for future reference;
- 13.1.5 ensuring that a Register of *accredited persons* is established and maintained by the *National Accreditation Office*;

- 13.1.6 undertaking periodic reviews of the *Scheme* in consultation with the *National Accreditation Panel*, including regularly reviewing the categories of *accreditation*, and amending the *Scheme* from time to time;
- 13.1.7 ensuring that accredited persons are notified of any amendments and changes to the *Scheme*.

14. Delegations

- 14.1 The *Board* may delegate authority or activities under the *Scheme* to an authorised *person*, panel or body, including but not limited to:
 - 14.1.1 assessing, processing and determining applications for *accreditation*, *re-accreditation* and *accreditation upgrades*; and
 - 14.1.2 issuing certificates of *accreditation*;
 - 14.1.3 conducting interviews, hearings and investigations in relation to applications for *accreditation*, *re-accreditation* and *accreditation upgrades* or to non-compliance with the Scheme and CPD Program;
 - 14.1.4 preparing reports on the outcomes of all assessments, interviews, complaints, and investigations;
 - 14.1.5 maintaining records of all applications for *accreditation*, *re-accreditation* and *accreditation upgrades*, interviews, complaints, and investigations;
 - 14.1.6 maintaining a Register of *accredited persons*.

15. National Accreditation Panel

- 15.1 The Board shall appoint a *National Accreditation Panel* to undertake the functions and powers of the Board under the Scheme.
- 15.2 The *National Accreditation Panel* is authorised to:
 - 15.2.1 assess and determine applications for *accreditation*, *re-accreditation* and *accreditation upgrades*; and
 - 15.2.2 issue certificates of *accreditation*;
 - 15.2.3 conduct interviews, hearings and investigations in relation to applications for *accreditation*, *re-accreditation* and *accreditation upgrades* or to non-compliance with the Scheme and CPD Program;
 - 15.2.4 request advice from a *Recognised Registered Training Organisation* or other appropriate *person* in relation to an applicant's qualifications;
 - 15.2.5 preparing reports on the outcomes of all assessments, interviews, complaints, and investigations;
 - 15.2.6 review decisions of a delegate in accordance with the Scheme;
 - 15.2.7 provide advice to the Board in relation to the Scheme or CPD Program; and

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- 15.2.8 exercise any other power of function under the Scheme as delegate by the *Board*.
- 15.3 Members of the *National Accreditation Panel* shall be determined by the Board and shall consist of a minimum of 5 members. Decisions of the *National Accreditation Panel* shall be made by consensus by at least 3 members.
- 15.4 The Board shall appoint a *National Accreditation Panel* member to Chair meetings of the *National Accreditation Panel*. In the absence of the Chair at a meeting, a temporary Chair may be appointed by those *National Accreditation Panel* members present.
- 15.5 The *Board* shall determine appropriate processes, procedures and guidelines for the conducting of assessments and other delegated functions undertaken by the *National Accreditation Panel*.
- 15.6 Where agreement cannot be reached by the *National Accreditation Panel* on an application for accreditation, re-accreditation or an accreditation upgrade the matter must be referred to the *Board* for determination in accordance with clause 19.

16. National Accreditation Office

- 16.1 The *National Accreditation Office* is authorised to:
- 16.1.1 receive applications for *accreditation*, *re-accreditation* and *accreditation upgrades* including the receipt of associated documentation and fees;
 - 16.1.2 manage the administration and procedures for applications for *accreditation*, *re-accreditation* and *accreditation upgrades*;
 - 16.1.3 undertake initial documentation assessment and fee checks before referring to the *delegate* or *National Accreditation Panel* for assessment;
 - 16.1.4 notify the relevant State or Territory regulating authority when a *person's* accreditation has been revoked or suspended;
 - 16.1.5 issue identity cards to *accredited persons*
 - 16.1.6 correspond with applicants regarding:
 - a) requests for further information;
 - b) status of applications;
 - c) outcomes and determinations by the delegate, *National Accreditation Panel* or the *Board*;
 - d) renewals and the expiration of certificates of *accreditation*;
 - 16.1.7 organise *National Accreditation Panel* meetings and rostering Panel members to undertake assessments;
 - 16.1.8 facilitate interviews, hearings, investigations and appeals in relation to applications for *accreditation*, *re-accreditation* and *accreditation upgrades* or to non-compliance with the Scheme and CPD Program;

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- 16.1.9 prepare reports on the outcomes of all assessments, interviews, complaints, and investigations;
 - 16.1.10 maintain a Register of *accredited persons* and keeping records of all documentation associated with the Scheme in a secure database;
 - 16.1.11 exercise any other power of function under the Scheme as delegate by the *Board*.
- 16.2 The *National Accreditation Office* must, for a minimum of seven (7) years maintain a record of all:
- 16.2.1 applications for *accreditation*, *re-accreditation* or an *accreditation upgrade*;
 - 16.2.2 certificates of *accreditation* issued under the Scheme;
 - 16.2.3 complaints made under the Scheme and any investigation in response to a complaint;

17. Confidentiality

- 17.1 All documentation submitted to AIBS for the purposes of *accreditation* and related processes under the Scheme will be treated as confidential documents and stored securely by the *National Accreditation Office*.
- 17.2 Information obtained by AIBS during an assessment, appeal or other *accreditation* process will not be disclosed to a third party without the written consent of the relevant applicant.
- 17.3 Notwithstanding the provisions of this clause 17, may:
 - 17.3.1 publish a publicly available list of *accredited persons*;
 - 17.3.2 provide any information or documentation provided by an applicant, or prepared in relation to an application to:
 - a) a State or Territory regulating authority;
 - b) the *Board's* legal or professional advisors;
 - c) to any other party required by law.

18. Conflict of Interest

- 18.1 A *person* must not participate as a:
 - 18.1.1 delegate;
 - 18.1.2 member of the *National Accreditation Panel*; or
 - 18.1.3 member of the *Board*.

if they have a Conflict of Interest in the proceedings.

- 18.2 A *person* will be deemed to have a Conflict of Interest if-

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- 18.2.1 they are related to a *person* who is subject to an assessment, appeal, or other proceedings under the Scheme; or
 - 18.2.2 they have a Relationship with a *person* who is subject to an assessment, appeal, or other proceedings under the Scheme; or
 - 18.2.3 they have a direct or indirect Pecuniary Interest in any aspect of an assessment, appeal, or other proceedings under the Scheme.
- 18.3 A *person* has a “Relationship” with another *person* if -
- 18.3.1 they are an employer, partner or employee of the other *person*; or
 - 18.3.2 they are a spouse, de facto partner, sibling, parent or child of the other *person*; or
 - 18.3.3 they have a contractual agreement with the other *person* that might reasonably be seen to give rise to a conflict between the *person*’s duties in the proceedings and the *person*’s interests under the arrangements.
- 18.4 A *person* has a “Pecuniary Interest” if there is a reasonable likelihood or expectation of appreciable financial gain or loss to that *person* or another *person* with whom the *person* has a Relationship, from the outcome of proceedings.
- 18.5 If a delegate has a Conflict of Interest, or is unsure as to whether or not they have a Conflict of Interest, they must:
- 18.5.1 declare that they have a Conflict of Interest and disclose the nature of the Conflict of Interest to the *National Accreditation Office* ; and
 - 18.5.2 the *National Accreditation Office* will refer the matter to another delegate or the *National Accreditation Panel* as required.
- 18.6 If a *National Accreditation Panel* or *Board* member has a Conflict of Interest in any accreditation proceedings they must:
- 18.6.1 declare that they have a Conflict of Interest and disclose the nature of the Conflict of Interest; and
 - 18.6.2 excuse themselves from the proceedings and allow the *National Accreditation Panel* or *Board* to appoint a replacement member as needed.
- 18.7 If a *National Accreditation Panel* or *Board* member is unsure as to whether or not they have a Conflict of Interest, they must:
- 18.7.1 declare that they have a possible Conflict of Interest and disclose the nature of the possible Conflict of Interest; and
 - 18.7.2 allow the remaining *National Accreditation Panel* or *Board* members to decide whether the matter can proceed to be heard by that member.

19. Appeals

- 19.1 A *person* may appeal a decision:

19.1.1 of the *National Accreditation Panel* under the *Scheme*;

19.1.2 of a *delegate* under the *Scheme*;

to the Board on the basis that:

- a) the decision did not include consideration of all relevant information;
- b) the decision did not follow the procedures set out in the *Scheme*; or
- c) the decision was harsh, unjust or unreasonable in all the circumstances.

19.2 A notice of appeal must:

19.2.1 be received by the *National Accreditation Office* within twenty (20) *working days* of an applicant being notified of the decision.

19.2.2 be in the form of a statutory declaration as published on the AIBS website;

19.2.3 state the grounds of appeal and include any supporting documentation; and

19.2.4 be accompanied by the appeal fee prescribed on the AIBS website.

19.3 The *Board* may:

19.3.1 conduct the appeal in any manner it sees fit;

19.3.2 seek a report from the party that determined the application;

19.3.3 require the appellant to provide further information or evidence, either verbally or in writing;

19.3.4 seek expert advice from a *person* or *persons* who have specialist expertise or knowledge relevant to the matter in dispute;

19.3.5 determine the review based on the written information provided by the applicant; or

19.3.6 conduct an appeal hearing to determine the matter.

19.4 If the Board elects to conduct an appeal hearing:

19.4.1 the appellant must be notified of the hearing date at least twenty (20) *working days* before the hearing;

19.4.2 the appellant may be represented by a legal practitioner or another personal representative (with the permission of the Board);

19.4.3 the appeal hearing will be conducted at a venue and in a manner determined by the *Board*;

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- 19.4.4 the duration of the hearing will be limited to one (1) hour unless extended by the Board;
- 19.4.5 the *Board* may adjourn the appeal, or the *Board's* decision on the appeal, in order to obtain or consider additional information provided during the course of the hearing.
- 19.5 If an appellant fails to attend the scheduled appeal hearing, the hearing may proceed without the appellant or his or her representative.
- 19.6 The appellant will be notified of the decision of the *Board* within thirty (30) *days* of the appeal hearing.

20. Modification, suspension or revocation of a certificate of accreditation

- 20.1 The *Board* may modify, suspend or revoke a certificate of *accreditation* if the *accreditation* holder has had their accreditation/licence/registration to practice as a building certifier or similar modified, suspended or revoked by a relevant State or Territory regulating authority or is otherwise prevented from practising in accordance with their accreditation by a relevant State or Territory regulating authority.
- 20.2 The *Board* may modify, suspend or revoke a certificate of *accreditation* if it makes a finding under clause 1.12 of the *By-Laws* that an *accredited person* has breached the Code of Professional Conduct.
- 20.3 For the sake of clarity, where an *accredited person* is not a *member* and a complaint is made against them under the *Code of Professional Conduct*:
- 20.3.1 references in clause 1.12 of the *By-Laws* to “*member*” mean *accredited person*; and
- 20.3.2 clauses 1.12(o)(iv) – (vi) of the *By-Laws* do not apply, only clause 20.2 above applies;
- 20.3.3 clauses 1.13 – 1.15 of the *By-Laws* do not apply.
- 20.4 The *Board* may modify, suspend or revoke a certificate of *accreditation* if it makes a finding, after having considered the outcomes of an audit conducted under the *Audit Program*, that an *accredited person* has breached the requirements of this Scheme.
- 20.5 A *person* who has had their certificate of *accreditation* revoked must immediately-
- return their certificate of accreditation to the National Accreditation Office;
 - remove all reference to their accreditation category from their business cards, signage, stationary etc;
 - return their accreditation identity card to the National Accreditation Office;
 - refrain from presenting themselves as *accredited persons*; and
 - notify their clients that they are no longer accredited.

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- 20.6 A *person* who has had their certificate of *accreditation* modified must immediately-
- rely on the modified certificate of accreditation and return the original certificate of *accreditation* to the *National Accreditation Office* and;
 - ensure all reference to their *accreditation* category in their business cards, signage, stationary etc reflects the modified accreditation certificate;
 - on receipt of a new *accreditation* identity card return the non-current card to the *National Accreditation Office*;
 - notify their existing clients that they have had modifications imposed on their certificate of accreditation.
- 20.7 Any relevant State or Territory regulating authority that has an interest in the *accreditation* of *persons* under the *Scheme* must be notified when a person practising in that State or Territory has had their certificate of *accreditation* modified or revoked.

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