

Discussion paper: Model Code of Conduct for Building Surveyors

Overview

Recommendation 10 of the **Building Confidence Report**

<https://www.industry.gov.au/sites/default/files/July%202018/document/pdf/building_ministers_forum_expert_assessment_-_building_confidence.pdf> (BCR) by Peter Shergold and Bronwyn Weir recommended the establishment of a nationally consistent code of conduct for Building Surveyors.

The **Australian Building Codes Board** <<https://www.abcb.gov.au/ABCB/The-Board>> (ABCB) has agreed to the release of a draft Model Code of Conduct for Building Surveyors (draft model code of conduct). This draft model code of conduct is supported by a draft explanatory statement and draft compliance policy, which set out how the draft model code of conduct could be interpreted and enforced. All these documents are provided as attachments in the *Discussion Paper on a Model Code of Conduct for Building Surveyors*

<user_uploads/discussion_paper_national_model_code_of_conduct_building_surveyors.pdf> .

1 of 67



The discussion paper explains how the draft model code of conduct was developed and asks questions to help identify how it can be improved. The feedback provided will help the BCR Implementation Team refine and improve the model code of conduct.

Please note: the discussion paper and its attachments have been drafted by the BCR Implementation Team and may not necessarily represent the views of the ABCB.

The BCR Implementation Team

The discussion paper was developed by the **BCR Implementation Team** <<https://www.abcb.gov.au/Initiatives/All/building-confidence-report-implementation-team>> in the office of the ABCB. The team was established by the Building Ministers' Forum (BMF) in July 2019 to help deliver a national framework for the implementation of the BCR.

Why we are consulting

The ABCB agreed in November 2019 that the BCR Implementation Team would develop a Model Code of Conduct for Building Surveyors to help implement recommendation 10 of the BCR, which was "*that each jurisdiction put in place a code of conduct for building surveyors which addresses the key matters which, if contravened, would be grounds for a disciplinary inquiry.*"

The BCR Implementation Team developed the draft model code of conduct in consultation with selected stakeholders in early 2020. In March 2020 the ABCB agreed to release the discussion paper for public comment.

Providing comment

Stakeholders should note that there are a small number of mandatory questions. These must be answered to complete your submission. This is to ensure responses are appropriately categorised. The majority of questions are not mandatory, and can be skipped if you wish. You may provide as much or as little information as required.

Responses to questions on the discussion paper are invited until **11:59PM AEST Friday 24 April 2020**. Only comments submitted using the online form will be considered.

If you have any questions submitting your response please contact the BCR Implementation Team.

Information Collection

PREVIEW

Important: Please ensure that you have read and understood the below statements before proceeding

Privacy Collection Statement

The Australian Building Codes Board (ABCB) is bound by the Australian Privacy Principles (APPs) outlined in Schedule 1 of the *Privacy Act 1988* (Cth) (Privacy Act), which regulates how entities may collect, use, disclose and store personal information.

Your personal and sensitive information is being collected by the ABCB Office to assist the ABCB to carry out its functions, to inform the consultation process and for other purposes including to communicate with individuals or organisations about their submission.

The personal and sensitive information collected as part of the submission process may be disclosed to and used by the following individuals or organisations:

- the Department of Industry, Science, Energy and Resources or the ABCB Office, and the staff of the Department and the ABCB Office;
- the ABCB, its committees and any working groups established by the ABCB, and their staff and advisors;
- the Commonwealth Government, and State and Territory Ministers responsible for building regulation and policy, and their staff and advisors;
- other Commonwealth or State and Territory government departments and agencies;
- any consultant or contractor engaged by the ABCB for the purpose of undertaking work in respect of the subject matter of the submission process.
- any organisation for any authorised purpose with your express consent, for the purposes set out above.

Personal and sensitive information obtained will be stored and held in accordance with the ABCB's obligations under the *Archives Act 1983* (Cth). Further information about how the ABCB collects, uses and discloses personal information is set out in its **Privacy Policy** <<https://abcb.gov.au/Footer/Privacy>> .

If you have an enquiry or request relating to your personal information, please contact:

Privacy Contact Officer
Australian Building Codes Board
GPO Box 2013
Canberra ACT 2601

Confidential Information Statement

All submissions and comments will be published unless they are marked 'commercial-in-confidence'. However, any contact details you provide within your submission will be redacted prior to the submission being published.

In order to promote debate and transparency, the ABCB prefers that all submissions and comments be provided in a way that does not require confidentiality to be maintained. However, it recognises that in some circumstances you may want to provide information in confidence.

It is the responsibility of the person making the submission to ensure that any 'commercial-in-confidence' information is clearly identified. Please consider if you can structure your response to keep only some parts confidential. If only part of your submission is confidential, you can provide the confidential part as a separate submission so that the ABCB can publish the non-confidential part of the submission.

Where confidentiality is requested for an entire submission, it will not be published by the ABCB, nor will your name or organisation details; however, see the comments below regarding Regulation Impact Statements.

Please note that we may still disclose the confidential part of your submission to any of the above identified users of the information as part of the consultation process and we will use reasonable efforts to ensure that the recipients keep the submission confidential.

Submissions for Regulation Impact Statements will be made public in accordance with the Council of Australian Government's **Best Practice Regulation: A Guide for Ministerial Councils and National Standard Setting Bodies** <<https://www.pmc.gov.au/resource-centre/regulation/best-practice-regulation-guide-ministerial-councils-and-national-standard-setting-bodies>> . A summary of the views expressed in the submissions will be published as part of the Regulation Impact Statement.

The ABCB or the ABCB Office may also disclose confidential information in circumstances where:

- we are required or authorised by law disclose it;
- you agree to the information being disclosed; or
- someone other than you has made the confidential information public.

Your submission, comments, opinions and responses will not be published if the ABCB or the ABCB Office considers that your submission, comments, opinions and responses may contain potentially defamatory statements or other offensive comments.

By making a submission to this consultation you agree to the collection of the information you provide in your submission; and the use and disclosure of the information you provide in your submission as outlined above.

(Required)

Please select only one item

- Publish response
- Publish response anonymously (this will remove personal identifiers including, name and organisation)
- Do not publish

Personal Information

This section includes general questions to help us understand your responses.

Please provide your name

Please provide the name of your employer or organisation (if relevant)

Please provide your email address

If you enter your email address then you will automatically receive an acknowledgement email when you submit your response.

Are you responding to the Discussion Paper on a personal or professional capacity?

(Required)

Please select only one item

- Personal Capacity - I am a building surveyor / building certifier
- Personal Capacity - I work in the building industry, but not as a building surveyor Personal Capacity - other
- Professional Capacity - for an industry association
- Professional Capacity - for a government agency or regulator Professional Capacity - other

If other, please specify

Please select your State or Territory

(Required)

Please select only one item

- ACT NSW NT Qld SA Tas Vic WA Outside Australia

Current Codes of Conduct

Section 2 of the discussion paper discusses why the Board of the ABCB agreed to develop a Model Code of Conduct for Building Surveyors. The following questions are focused on whether section 2 properly describes current code of conduct.

Refer to question 1 of the **discussion paper**

[<user_uploads/discussion_paper_national_model_code_of_conduct_building_surveyors.pdf>](user_uploads/discussion_paper_national_model_code_of_conduct_building_surveyors.pdf)

Do you agree with the characterisation of consistency, completeness and comprehensibility as issues with the current codes of conduct?

Please select only one item

Yes No Unsure

Are there any other issues with the existing Building Surveyor codes of conduct that you believe are impacting their effectiveness?

Do you support the development of a nationally consistent code of conduct for Building Surveyors? Please feel free to explain your answer in the free text box below

(Required)

Please select only one item

- Yes - there should be a single code of conduct for all building surveyors across Australia
- Yes - there should be consistency between state and territory codes of conduct (i.e. harmonised approach)
- No - it is better to have state and territory codes of conduct aligned to local regulatory requirements
- No - a code of conduct is unnecessary for building surveyors. Other Unsure

General Design of Code of Conduct

Section 3 of the discussion paper asks a number of questions about the general design of the draft Model Code of Conduct for Building Surveyors. The following questions explore the intention, scope, design and interaction associated with the model draft code of conduct.

Refer to questions 2, 3, 5 and 9 of the **discussion paper**

[<user_uploads/discussion_paper_national_model_code_of_conduct_building_surveyors.pdf>](#) .

Do you agree with the objective of setting a minimum standard of acceptable professional conduct?

Please select only one item

- Yes - focusing on the minimum standard is appropriate No - the code should be set above the minimum
 No - a different approach is required (please explain your preferred approach below) Unsure

Do you agree with the proposed scope of the code of conduct?

Please select all that apply

- Agree No - should cover all professional activities No - should cover relevant personal activities
 No - should cover any person performing certification No - should exclude public building surveyors
 No - other reason (please explain below) Unsure

Do you find the obligation and sub-obligation approach helpful for understanding the nature and content of the code of conduct?

Please select only one item

Yes No Unsure Partly - please explain below

Is there a need for a code of conduct if a professional standards scheme is in place? Feel free to explain your answer in the free text box below.

Please select only one item

Yes No Unsure

Proposed Obligations of Building Surveyors

Section 3 of the discussion paper (specifically subsection 3.4 & 3.5) discuss how the specific obligations in the draft model code of conduct (set out at Attachment A) were developed and worded. This section is intended to test the assumptions and thinking behind this.

Refer to questions 4 and 6 of the **discussion paper**

[<user_uploads/discussion_paper_national_model_code_of_conduct_building_surveyors.pdf>](user_uploads/discussion_paper_national_model_code_of_conduct_building_surveyors.pdf) .

Do you agree with the reasons provided for the inclusion of specific obligations? If you do not agree, please explain why you disagree with the reasoning in the free text box.

Please select all that apply

- Agree with all reasons Disagree with reasoning for Obligation 1 (public interest)
- Disagree with Sub-Obligation 1.1 (reporting of suspicions)
- Disagree with Sub-Obligation 1.2 (interpretation of NCC)
- Disagree with reasoning for Obligation 2 (duty of care)
- Disagree with Sub-Obligation 2.1 (act within competency)
- Disagree with Sub-Obligation 2.2 (maintain competency)
- Disagree with Sub-Obligation 2.3 (obtain relevant facts)
- Disagree with Sub-Obligation 2.4 (reliance on experts)
- Disagree with Sub-Obligation 2.5 (staff and contractors)
- Disagree with Sub-Obligation 2.6 (confidential information)
- Disagree with Sub-Obligation 2.7 (documenting reasons)
- Disagree with reasoning for Obligation 3 (conflict of interest) Disagree with Sub-Obligation 3.1 (bias)
- Disagree with Sub-Obligation 3.2 (improper benefits)
- Disagree with Sub-Obligation 3.3 (reviewing own work) Disagree with reasoning for Obligation 4 (honesty)
- Disagree with Sub-Obligation 4.1 (notifying regulators) Disagree with reasoning for obligation 5 (respect)
- Disagree with Sub-Obligation 5.1 (receiving enquiries)
- Disagree with Sub-Obligation 5.2 (receiving complaints)
- Disagree with Sub-Obligation 5.3 (working with others)

PREVIEW

Should any additional obligations be added? Please provide the obligations and your reasoning in the text box below.

Do you consider any of the obligations should be rephrased or worded differently? If you believe the proposed wording should change, please explain why you support a revised wording and what you think the wording should be.

Please select all that apply

- Obligation 1 (act in public interest & comply with the law) Sub-Obligation 1.1 (notify reasonable suspicions)
 Sub-Obligation 1.2 (apply NCC in public interest) Obligation 2 (exercise reasonable care and diligence)
 Sub-Obligation 2.1 (act within competency) Sub-Obligation 2.2 (maintain competencies)
 Sub-Obligation 2.3 (obtain relevant facts) Sub-Obligation 2.4 (reliance on experts)
 Sub-Obligation 2.5 (staff and contractors) Sub-Obligation 2.6 (confidential information)
 Sub-Obligation 2.7 (documentation) Obligation 3 (conflicts of interest) Sub-Obligation 3.1 (bias)
 Sub-Obligation 3.2 (obtaining improper benefits) Sub-Obligation 3.3 (reviewing own work)
 Obligation 4 (misleading and deceptive conduct) Sub-Obligation 4.1 (notifying regulators)
 Obligation 5 (polite, courteous and professional) Sub-Obligation 5.1 (receiving enquiries)
 Sub-Obligation 5.2 (receiving complaints) Sub-Obligation 5.3 (working with others)

Supporting Documents

This section is focused on the documents which support the draft model code of conduct, specifically the draft Explanatory Statement and the draft Compliance Policy.

Refer to questions 7 and 8 of the **discussion paper**

<user_uploads/discussion_paper_national_model_code_of_conduct_building_surveyors.pdf> .

Do you find the draft Explanatory Statement helpful in understanding how the code of conduct could apply in practice? (You can explain your answer in response to the next question)

Please select only one item

- Yes No Unsure Partly

Are there any areas of the Explanatory Statement where additional guidance would be helpful?

Should the guidance in the Explanatory Statement be combined with the code to form a single document?

Please select only one item

Yes No Unsure

Does the draft Compliance Plan capture best practice? If not, what changes would be required to ensure it does?

Please select only one item

Yes No Unsure

Other Comments

Are there any other matters which you wish to comment on?

Please upload any relevant information or data related to your previous responses.

Supporting documentation is only to provide information to substantiate your comment such as diagrams, new or updated tables, research papers or other documentation. Please do not submit comments as supporting documents as they will not be accepted.

If you have chosen to publish your response this information will not be published.

Please attach a copy of any documents you wish to include to this printout.

Please provide supporting documentation in .doc, docx or PDF format. Maximum file size 25 MB.

File Upload

PREVIEW