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**Response to ABCB Discussion Paper:
National Registration Framework for
Building Practitioners**

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Access Institute Response to ABCB Discussion paper: National Registration Framework for Building Practitioners

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Overview

The Building Ministers' Forum (BMF) authorised an assessment of the effectiveness of compliance and enforcement systems for the building and construction industry across Australia. The resulting *Building Confidence Report* (BCR) highlighted shortcomings in the implementation of the National Construction Code (NCC) and made 24 recommendations to address these issues.

The predominant goal of the BCR recommendations is to enhance public trust and confidence in the building industry, achieved through a national best practice model of building and construction standards that will strengthen the effective implementation of the NCC and protect the interests of those who own, work, live, or conduct their business in Australian buildings.

Recommendations 1 and 2 of the BCR propose the registration of building practitioners involved in the design, construction and maintenance of buildings, and that each jurisdiction prescribes consistent registration requirements covering knowledge of the NCC, competency and experience, insurance and financial viability, and integrity.

A Discussion Paper on a draft National Registration Framework (NRF) for Building Practitioners has been developed in response to BCR recommendations 1 and 2.

The NRF, if adopted, is expected to enhance public confidence, and improve national consistency in the registration of building practitioners.

The NRF covers core disciplines in the fields of building production (design, checking, construction and inspection) building approval (approval to build, approval to occupy) and coordination (project management). The NRF is based on registration categories, with specific disciplines within each category. Expert roles are included by endorsement within the appropriate discipline.

The NRF proposes an aspirational, long term view for building practitioners that allows for futureproofing of the building industry. The purpose of the NRF is to achieve national consistency in the registration of building practitioners across the jurisdictions to achieve significant economic benefits, improve the efficiency of the registration process through options such as mutual recognition and enhance public confidence in the building industry.

Stakeholder Feedback

The Discussion Paper seeks stakeholder feedback on the draft NRF. The feedback provided will help the BCR Implementation Team refine and improve the NRF for

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consideration by Building Ministers, noting that implementation of the NRF remains the responsibility of each state and territory.

Access Institute Overview

As a key leader in the access industry for many years Access Institute has developed the following response and feedback in relation to the proposed NRF.

Access Institute is the leading provider of education and nationally recognised qualifications and training in relation to access to the built environment in Australia.

Among other Universal Design and Access to the built environment training courses Access Institute works closely with government and key stakeholders to develop and deliver the following:

- Certificate IV and Diploma of Access Consulting;
- Accredited Specialist Disability Accommodation (SDA) Assessors Course;
- Livable Housing Australia (LHA) Registered Assessors Course;
- Changing Places Assessors Course.

The Access Institute team is led by Director, Ms. Joe Manton, who has been a practicing Access Consultant for more than 30 years and is a key a leader in the access industry. Joe was the Vice President of the Association of Consultants in Access Australia (ACAA) for many years and was awarded a Fellowship by ACAA for her work in the industry.

The Access Institute team also comprises and works in collaboration with, a wide range of professionals in related industries including qualified and experienced Building Surveyors, Architects, Engineers, Occupational Therapists and Project Managers, teachers, and trainers.

Access Institute Introduction

The NRF for Building Practitioners - Discussion Paper 2020, identifies an important role relating to access professionals, with specific expertise relating to access to buildings.

The proposed NRF has the potential to have significant impact on the role of Access Consultants in assessing compliance and providing advice in relation to the access requirements of the National Construction Code (NCC). Therefore Access Institute believes it is critical that the role is clearly understood, articulated and incorporates appropriately skilled, qualified and experienced access professionals that are competent to undertake the important work required to support equitable, dignified access outcomes for all users of buildings and facilities.

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Access Institute Response

The following questions are those provided for feedback from the ABCB in the Consultation Hub. The responses must be submitted online. The answers below are Access Institute responses to these questions.

Q. Does the proposed NRF deliver an appropriate and proportionate response to BCR Recommendation 1 and 2?

Yes No **Unsure**

The proposed NRF appears to respond in broad terms to the recommendations 1 and 2. Notwithstanding, our particular area of interest is in relation to disability access. In this area there appears to be a lack of understanding of the role of a person (*currently called a Disability Access Consultant*), that typically would be engaged in the proposed role of an *Endorsed Disability Access Designer*. (*Further detailed comments are provided in this response in the **NRF Discipline Specific Comments** section*).

Q. Will the NRF, if implemented, enhance confidence in the building industry by ensuring key practitioners in the building process are registered?

Yes, No **Unsure**

In terms of disability access, what is proposed currently could support improved confidence by providing a requirement for registration. It would certainly be one important step in recognising the need for specialists in disability access to be engaged to review designs and as built structures and provide advice to developers regarding NCC access requirements. However, given the role is not mandated the impact would be limited. We do however strongly believe it is critical to have **Access Consultants** incorporated into the NRF and recognised as specialist consultants, and they should be required to hold relevant nationally recognised qualifications in Access Consulting (**not Design**) as well as relevant skills and experience. (*See further comments in the section relating to Qualifications*)

We are assuming that the aim of the NRF is to recognise and improve current practices and practitioners, not to create new disciplines and professions.

Currently Access Consultants play an very important role in determining compliance of buildings with the access requirements of the NCC and other relevant legislation, however they are not designers.

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Our concern is with the proposed role of a *Disability Access Designer* and the requirement for a nationally recognised qualification in Design, which is the entry point registration in the Design category.

The requirement for a design qualification to underpin the Scope of Works outlined in the NRF (*see our further comments in the relevant section relating to Scope of Works*) implies that that Access Consultants are 'designers' which is not the case. It is not and has never been their core role.

Their core role relates to assessing designs and as built structures for compliance with the access requirements of the NCC and other relevant legislation and standards and providing reports to clients to confirm this as well as providing advice about how clients might achieve this. Notwithstanding, Access Consultants may have discussions with clients regarding design, and how the **designer can improve their design**, however it is not and has never been the core role of an Access Consultant.

Q. Do you foresee any risks in implementing the proposal, noting that the states and territories are responsible for implementation of the NRF?

Yes No Unsure

There will be risks associated with implementing the proposal, as it is dependent on adoption and implementation by each state and territory. If this is left to these various jurisdictions, there clearly is the risk that none, or only some will participate. The optimum outcome would be for adoption by all states and territories and harmonisation across the country.

Q. Do you think the proposed NRF will improve compliance with the NCC?

Yes No Unsure

Whilst not all of the disciplines within the proposed NRF will be mandated, or become part of a regulatory framework for achieving compliance with the NCC, we believe that the development of a framework that prescribes minimum levels of skills, experience and qualifications for each discipline is critical. Currently there are no consistent minimum benchmarks within a range of disciplines, and therefore the work undertaken by professionals undertaking the same role within these disciplines, varies from incompetent to highly competent. This does not provide confidence that all practitioners are able to effectively address compliance

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requirements with the NCC, in the role they have been engaged to undertake. At a minimum, we believe that the requirement for relevant prerequisites, i.e. skills, experience, and qualifications, aligned to the role of the professional within the relevant discipline, will support improved outcomes in relation to compliance with the NCC.

NRF Discipline Specific Comments

These comments relate to Disability access design

Registration Levels

Page 2 of the NRF Discussion Paper

We believe that the incorporation of a **Disability Access Designer** in the Field of **Building Production**, Category of **Design**, Discipline of **Building Design** is **inappropriate**.

We do however strongly believe it is critical to incorporate **Access Consultants** within the NRF and they be recognised as specialist consultants, and that they should be required to hold relevant nationally recognised qualifications in Access Consulting as well as relevant skills and experience (*see further comments in other relevant sections*).

However, incorporating Access Consultants into a **Design** category, implies that Access Consultants are 'designers' which is not the case and not their core role. Their core role is aligned with assessing designs and as built structures for compliance with access provisions in the NCC and providing reports to clients to confirm this. Notwithstanding, they may have discussion with clients regarding design, however it is not and has never been their core role.

There are certainly some Access Consultants who are also designers. For example, there are some Architects who are also Access Consultants, however their core role in relation to access is to determine compliance and shortcomings with the NCC access requirements, and to provide access advice regarding this. They may use their design skills to develop or redevelop designs, as an adjunct to their Access Consulting role, but it is a separate role and service provided to clients.

There are many skilled and qualified (*i.e. Certificate IV or Diploma of Access Consulting - see more detail in the section on qualification requirements*), Access Consultants who are not designers, such as Building Surveyors, Occupational Therapists and generic Access Consultants who work to advise designers of the NCC access requirements and so that the **designer can incorporate these into their design**. The Access Consultant does not undertake the design work.

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For example, the highest percentage of professionals by far, (*who identified their profession on enrolling in access qualifications*) and have undertaken the Certificate IV or Diploma of Access Consulting are Building Surveyors. These outweigh other professions by more than 300%. This indicates that understanding access compliance requirements relating to the NCC is paramount. The next highest cohort are generic Access Consultants. Whilst some building designers undertake the access consulting qualifications, these are by far in reduced numbers, as their core role is design and they rely on Access Consultants to advise them on the **access compliance requirements** in their designs. The designer then undertakes the design work, not the Access Consultant.

In fact, Access Consultants, who are also designers, are often excluded from providing both access consulting and design services as it is seen as a clear Conflict of Interest.

For example, many Access Consultants with relevant prerequisites in Access Consulting (*i.e. Certificate IV or Diploma of Access Consulting - see more detail in the section on qualification requirements*) are Accredited Specialist Disability Accommodation (SDA) Assessors. These Assessors are required to undertake Assessments of designs or as built dwellings to determine compliance requirements with the National Disability Insurance Scheme (NDIS) SDA Design Standard. They are specifically excluded from being able to undertake assessment for access compliance if they have been involved in the design of the as built dwelling. The situation is similar with Livable Housing Australia Registered Assessors and also the Changing Places Assessor program delivered by the Victorian State government.

These jurisdictions and programs all recognise there is clear difference between design and assessment for compliance and require a clear distinction between the two processes. The need to ensure there is no Conflict of Interest is paramount to maintain the integrity of the assessment outcomes relating to the benchmark against which compliance is being determined.

The core function of an Access Consultant whilst not undertaking a statutory role – is critical and relied upon by many other professionals working in the built environment to provide compliance advice regarding the access requirements of the NCC, undertake access audits for compliance and write reports regarding compliance. The aim is to assist these professionals, including building designers, to meet the compliance requirements of the NCC.

Incorporating the role of Access Consultants into a Design category within the NRF does not reflect a clear understanding of the role that is to be undertaken and places an additional onus on Access Consultants to obtain a further qualification, over and

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above the existing Certificate IV and Diploma in Access Consulting, which are the currently recognised qualifications for Access Consultants.

Another relevant impact relates to the availability of Access Consultants to operate in the role proposed in the NRF (*See comments in Scope of Work section*).

Access Consultants who are currently effectively undertaking their role, and who are already qualified as Access Consultants (*Cert IV or Diploma in Access Consulting*) may not be motivated to undertake a further **design qualification** at a significant cost and time to them, where there is no significant benefit or requirement to undertake design in their Access Consulting roles.

Descriptions/Definitions

Pages 51 – 54 of the NRF Discussion Paper

Disability Access Design Endorsement

The **Definition** on page 53 states:

*‘Disability access design work is the application of the disability access provisions contained within NCC Volume One Sections D, E, F and H to **design documentation and specifications** for the approval and construction of a new building or alteration to an existing building where the design is required to comply with the NCC.*

Endorsed disability access designer is an individual endorsed to do disability access design work at level 1 in the discipline of building design’

This does not reflect the role that an Access Consultant would undertake. This is the role of the designer. As indicated in various sections of this submission, the role of the Access Consultant is to review the design or as built structure to determine compliance with the NCC, and provide advice regarding compliance, **not to design** the structure.

The **Description** on page 53 states:

*‘An individual trained at technical specialist level to do **disability access design work** for any NCC Class or size of building.’*

Based on our previous comments this is not the role an Access Consultant. Their core role is not design, it is assessing designs and as built structures for compliance and in providing advice. They may provide some access advice to designers to assist the **designer** with **their design**.

Scope of Work

Pages 14 and 15 of the NRF Discussion Paper

Whilst the proposed Disability Access Designer is incorporated into the **Design** category, the **scope of work** that they would actually undertake is clearly articulated in the **Compliance** Category commentary on page 15 of the NRF Discussion Paper.

'i.e. the scope of work definitions of disciplines within the design category include checking, peer review and signing certificates of compliance. Individuals registered in these disciplines may undertake checking functions (including on site) and signing certificates of compliance if required under building legislation.'

We also acknowledge the following statement in the proposed NRF:

'The NRF does not show them as separately registered in the approval category as the statutory function is undertaken by the building surveyor'.

However, just because the Access Consultant does not have a statutory function, they should not be incorporated into the Design category which does not reflect their role or the required underpinning qualifications as a designer, that have been attributed to the Design category as a prerequisite for registration.

This is a **significant shortfall** in the proposed NRF and easily rectified by recategorising the role to that of a '**Registered Access Consultant**' (**not a Disability Access Designer**), into the **Compliance** category and recognising they **do not have a design role or a statutory role**, but an advisory role in relation to compliance.

Qualification Requirements

Page 22 – Level 3 and Page 54 of the NRF Discussion Paper

The proposed NRF incorporates the following minimum requirements for the Endorsement of Disability Access Designer:

'Approved certificate IV or diploma in building design or architectural drafting that includes NCC training, or Approved certificate IV or diploma in building design or architectural drafting plus approved NCC training.'

And

Approved certificate IV in disability access consulting that includes NCC training, or

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Approved certificate IV in disability access consulting plus approved NCC training.'

As per our comments in relevant sections of this submission, we do not believe it is necessary for candidates to hold a design qualification. However, I believe it is critical for candidates to hold either a **Certificate IV or Diploma of Access Consulting**. These qualifications as well as specific units of competency from these, are already being called up in a number of important areas within the built environment, as a prerequisite for Access Consultants. These include:

- National Disability Insurance Scheme (NDIS) - Accredited Specialist Disability Accommodation (SDA) Assessors;
- Registered Livable Housing Australia (LHA) Registered Assessors;
- Victorian Government Changing Places Assessors (*Accessible Adult Change Facilities*).

These nationally recognised qualifications have been endorsed by the Property Services Skills Council and incorporate relevant units of competency that incorporate the 19 different areas of work that would typically be covered by an Access Consultant. The core units of competency and content of these qualifications relate to understanding and applying access legislation and Australian Standards including the:

- Disability Discrimination Act;
- NCC and specifically access requirements of the NCC (for all classes of buildings);
- Disability (Access to Premises- Buildings) Standards;
- Australian Standards for Access and Mobility.

They also focus on undertaking access audits and assessments of designs and as built structures to determine compliance with relevant legislation, standards and industry guidelines and requirements relating to access to the built environment.

In addition, incorporated into these qualifications are components relating to:

- the ability to read and interpret plans;
- assess construction plans for access and;
- provide access advice on building renovations; and
- provide access advice on renovations to private dwellings.

These combined (as well as relevant experience) are sufficient to underpin the role described in scope of works in the proposed NRF.

It should be noted that currently the **Association of Consultants in Access Australia (ACAA)**, which is a very small voluntary organisation representing access consultants has an Accredited member category.

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Whilst membership in this category **does** require candidates to provide evidence of experience as working as an Access Consultant, it **does not require all accredited members to hold a minimum qualification** in **any** discipline, including the Certificate IV or Diploma of Access Consulting. The system is insufficiently rigorous, not independent, or transparent and underdeveloped. This voluntary association has been challenged for many years to address this effectively without success.

Notwithstanding, many Accredited members of ACAA do hold either the Certificate IV or Diploma of Access Consulting, and have completed these qualifications as they have identified the benefit in doing so, to underpin their professionalism and skills in operating in the built environment industry. Some have also completed the qualifications, as they are a prerequisite requirement in order to become Accredited Specialist Disability Accommodation (SDA) Assessors, as required by the National Disability Insurance Scheme (NDIS) or Changing Places Assessors as required by the Victorian State government. Some ACAA members have also completed some Units of Competency from these qualifications, to meet the requirement of NDIS, to become Complex Home Modification Assessors and also to become Livable Housing Australia (LHA) Design Guidelines Assessors.

Therefore, **I urge caution** in considering alignment of registration under a NRF with the **current voluntary ACAA** accreditation system, as the basis for prerequisite registration in a disability access practitioner role.

A nationally recognised qualification relating to the profession in which a professional is practising, under the Australian Qualifications Framework, is clearly necessary in order for any Access Consultant to be given credibility in an NRF.

Experience Requirements

Page 54 of the NRF Discussion Paper

We believe that if a person has completed either the Certificate IV or Diploma in Access Consulting and has had 3 years' experience working as an Access Consultant under the supervision of a qualified Access Consultant (*Cert IV or Diploma of Access Consulting*), with a minimum of 3 years' experience, this would be sufficient to undertake the role of **Registered Disability Access Consultant (see comments below)**, as described in the scope of work in the NRF as per our comments in this submission.

Any Other Comments

Summary and Recommendations

In summary Access Institute strongly urges consideration be given to the development of the following:

The incorporation of a **Registered Access Consultant** within the Field of **Building Approval**, Category of **Compliance** – Disability Access.

That this professional be required to hold an approved Certificate IV or Diploma of Access Consulting **and** have 3 years' experience working as an Access Consultant, under the supervision of a qualified Access Consultant (*Cert IV or Diploma of Access Consulting*), with a minimum of 3 years' experience.

The requirement for a nationally recognised **qualification in Design be removed.**

That the **Registered Access Consultant** would be eligible to provide access advice on all classes of buildings within the NCC.

As the Director of Access Institute and an Access Consultant for more than 30 years, and past Vice President of ACAA, Ms. Joe Manton and the Access Institute team members are in consultation on a daily basis with many stakeholders in the access and broader built environment industry. We have been approached by many of these stakeholders who are concerned about the proposed NRF relating to the categorisation, role and design qualifications proposed relating to access professionals. These stakeholders have been encouraged by Access Institute to respond to the Discussion Paper directly through the ABCB Consultation Hub.

However, we believe, we represent the views of many in the access industry and have been requested to develop and share this submission with a wide range of colleagues and stakeholders. Notwithstanding, the specific views expressed in this submission are those of Access Institute.

Please do not hesitate to contact Access Institute Director, Ms. Joe Manton, if you wish to discuss any issues or would like further input at any time. Contact details are as follows:

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