

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) AMENDMENT BILL 2005

Second Reading

Resumed from 28 September 2006.

The DEPUTY PRESIDENT (Hon George Cash): Hon Ray Halligan and Hon Robyn McSweeney spoke on this matter on 28 September 2006.

HON MURRAY CRIDDLE (Agricultural) [2.28 pm]: I understand that we are dealing with the Local Government (Miscellaneous Provisions) Amendment Bill 2005?

The DEPUTY PRESIDENT: Yes.

Hon MURRAY CRIDDLE: I will make a few observations and discuss a couple of issues that have been raised by some of the local governments in the regions, mainly about environmental health officers and building officers not being able to gain the new qualifications. However, I will make some other statements first.

The 2003 bill was aimed at pulling together the surveyors' qualifications in line with a national framework under the national competition policy. The bill provided that local government could retrospectively issue a certificate of substantial compliance in relation to unauthorised building work if satisfied with the standard of construction. This bill provides that a building approval certificate may be issued in such a case if satisfied that the work substantially conforms to the requirements of the act. The change was introduced because that certificate will have less potential for creating liability for local governments than through a certificate of substantial compliance. It more closely aligns the existing process for building licences. It ensures that a person carrying out an approved building work will not be able to evade paying fees under the Builders Registration Act and the Building and Construction Industry Training Fund levy. Approval of unauthorised building works also raises the issue of protection of consumers through home indemnity insurance, and before using a prospective building licence a local authority must confirm that, when required, insurance paid separately by the builder is in place.

Under changes proposed in the bill a building approval certificate may be issued subject to certain terms and conditions specified in it, and this may be applied when the owner has identified on the building approval certificate application form a registered builder as being the person who constructed the building, and that the age of the building is such that home indemnity insurance or similar cover would still be current had the building licence been properly issued. The bill provides that when a local government does not delegate to its building surveyor the authority to approve or refuse particular plans or unauthorised building work, the local government may issue a building licence or building approval certificate only when it has received advice from a qualified building surveyor. However, the building surveyor providing the advice may not be employed by the local authority but be on a contract or engaged by the building owner for the purpose of the application. Under the current provisions the local government is not obliged to obtain advice from a building surveyor before obtaining a building licence, and the building could be approved without proper scrutiny.

The bill contains some amendments that were not included in the 2003 bill. They include an upgrading of the penalties for building without a licence and occupying an unauthorised building or allowing it to be occupied; clarifying the definition of swimming pool to include a spa pool; and clarifying the right to review the conditions imposed on the licence. I think there have been some issues with consultation.

Hon Ljiljana Ravlich: Yes.

Hon MURRAY CRIDDLE: Some of the local authorities we have spoken to - there are three in particular - have pointed out that many building surveyor controls have been undertaken by practising environmental health officers, especially in the country. In many local authorities, EHOs have undertaken the dual roles in a cost-effective and professional manner. Currently, there are few degree-qualified building surveyors in Western Australia. Many acting building surveyors do not hold the required advanced diploma qualification. It is well known that within the industry those with the qualifications are preparing themselves to become private certifiers, and this is likely to cause further shortages to local government staffing levels and result in some disruption in time frames and blowouts in approvals. This will be exacerbated by the fact that there are no recognised training programs in Western Australia for building surveyors. I was surprised to hear that.

Hon Ljiljana Ravlich: I will update you on that.

Hon MURRAY CRIDDLE: I am not surprised that the minister will update me because this bill has been around for a while. It would be helpful if the minister also identified the issue with the TAFE course.

Removing the ability of local government to appoint full-time, experienced officers rather than regionally based certifiers will substantially increase the cost of the building licence. There are vast distances to travel to perform the required inspections, and private certifiers will charge the associated cost to the client or to the local government. That will not come as a surprise to anybody because of the travel costs and the fact that these

people charge for sitting in the car as well as for the travel itself. Average mileage costs and wages will escalate, and the estimated cost of inspection would be \$500. That will vary across the spectrum. It is imperative - this is the view of the local governments we have spoken to - that existing regional EHOs, with the experience they have gained over many years, be provided with a level 2 building surveyor qualification. The intent of the amendments is that they will be transitional provisions until the proposed new building act is finalised and decisions are made about the required qualifications of building surveyors.

I wish to raise a number of concerns about this bill. Those concerns arise mainly because of the current shortage of qualified building surveyors. The minister will probably have the answers to these concerns, because there has been some time lapse since I first started to investigate this matter.

Hon Ljiljana Ravlich: I have my trusty adviser at the back of the chamber!

Hon MURRAY CRIDDLE: I am sure the minister has! One concern is how the department will be able to resource these positions if the existing officers are considered unqualified for the job. Another concern is how will the cost of inspections be capped to prevent blowouts for residents, and to avoid the non-submission of plans on farms and in outlying communities. There is a real risk that people will say, "Damn it all; we'll just build it anyway", which is probably not in anyone's interests. I live a long way from anywhere. I do not think I have ever seen a policeman in my part of the world, let alone a building surveyor. Another concern is how will non-local building surveyors be able to address the local requirements of the relevant authorities, such as the classification of soils, earthquake specifications, wind loadings etc. Another concern is that even if a course for building surveyors can be implemented quickly, there will still be a time lag for existing practitioners to become suitably qualified. This process could take up to five years. People may have varying time lines on that.

Existing practitioners are limited to operations in areas with populations of under 15 000 people. It is accepted that environmental health officers-building surveyors work only in small regional local governments and that there have been no appointments with larger local governments. The shires are unaware of potential mistakes that EHOs-building surveyors have made in the building approvals process. I guess they are saying that the people who have been doing that job for a long time have not made too many mistakes over time; therefore, to provide these people with a level 2 qualification would be a satisfactory resolution to this issue.

The approvals given are generally for commercial construction under 1 000 square metres, such as farm sheds and hay sheds, and residential and class-X residential outbuildings. There are differences between city and regional areas, particularly with regard to earthquake requirements and soil classification. Many existing EHOs-building surveyors are cognisant of these factors and enforce the requirements accordingly.

Although the shires accept that there has always been a need to review and improve the system, the shires have been given no information about any recent incidents that may have led to the department's sudden decision to remove EHOs from the approvals process. It appears that a small undercurrent of people in the industry are driving this issue for their own benefit, rather than for the general public good, and are not taking into account the cost effectiveness of the existing processes, and the real reasons for the move to require formal qualifications. If only one recent incident has occurred, a much less extreme response must be taken to the need for a review.

The department has never provided a mentoring-advice system for new building surveyors despite the fact that it has provided resources for chief executives, councillors and top level management. If the approvals processes and inspection procedures have been of concern for a considerable time, why has the department not advised local government about those concerns?

The department has never sought approval from local government for appointments to the position of building surveyor whereas the Executive Director of Public Health must approve the appointment of an EHO. In addition, the Department of Health performs routine inspections for local government in enforcing the provisions of the Health Act. The introduction of such a system would be less expensive to regional communities than the measures outlined in the bill, and at the same time they would improve the profession. If two-year experienced country EHOs were granted approval to operate as level 2 building surveyors, it would allow the existing system to continue, and the new system of qualifications to be introduced and streamlined to operate efficiently. It would also place an end point on the use of non-qualified building surveyors.

More than 70 local governments utilise the services of EHOs-building surveyors. These local governments produce a minimum of between 1 500 and 2 500 applications each year. Those officers have spent considerable time ensuring that the age-old habit of not submitting plans is avoided. Therefore, in actual fact, they are saying that they do not want these things to go ahead without the plans being submitted to the local government.

Driving the inspection and approvals costs up will ensure only that the submission of plans to local government will diminish, and more effort will then be required to enforce the laws. This will likely place local government in conflict with its residents and require the provision of extra funds for the prosecution of breaches of the act for failure to submit plans. The cost of construction in the regions is already substantially greater than that in the metropolitan area due to transport costs, soil and site conditions, energy-efficient ratings and distances for

tradesmen to travel. Where these costs can be reduced, the owner or builder will attempt to do so. Adding costs of \$500 a visit for inspections could create an environment of non-submission of plans, mates trying to certify the works undertaken, which may not protect the owners' rights, and a biased approach to inspections.

Although the move to upgrade building surveyor qualifications is commendable, it needs to be considered within the overall context of cost-effective building industry regulation and the impact that the changes will have on the provision of building control services in Western Australia. Some of the issues are outlined by the shire, and I will be very interested to hear the minister's comments. Some local governments want to undertake a study on the financial impact of the proposed changes on regional local governments; undertake a study into the placement and qualifications of all practising building surveyors within Western Australia; ensure that existing practitioners who are not degree qualified, but who have extensive experience and local knowledge, will achieve level 2 building surveyor status; and develop accredited training courses in Western Australia that will allow current building surveyors to upgrade their qualifications over time.

I know that the minister has said that she will give me some information about that. I will be very interested to receive it. They are just some of the issues that have been raised by local governments with me. I will be very happy to hear the minister's comments on that. As debate on the bill unfolds in the committee stage, if I am not satisfied, we will have further debate.

HON LJILJANNA RAVLICH (East Metropolitan - Minister for Local Government) [2.42 pm]: I thank honourable members for their contributions to the debate. As the Minister for Local Government, I can assure Hon Murray Criddle that I also want very positive outcomes regarding the impact on local government. Of course, it would be in everyone's interest for this to be monitored in the most appropriate way.

The Local Government (Miscellaneous Provisions) Amendment Bill 2005 in fact implements a recommendation made by the Deputy State Coroner. I think it is beholden on the government to respond when the State Coroner or the Deputy State Coroner makes recommendations. The Deputy State Coroner certainly made a recommendation regarding the checking and approval of building plans following the tragic death of a nine-year-old girl in a house that collapsed in December 2002. In her report, the Deputy State Coroner recommended, among other things, that all shires be required to access the input of persons capable of adequately performing the duties of a building surveyor to ensure that plans appropriately specify all the requirements necessary for a safe construction in terms of the specific requirements for the area of the construction and general specifications. The Deputy State Coroner expressed concern about the ability of small shires to assess plans and then supervise adherence to appropriately specified plans, and commented that those in small shires approving the plans and licences may have almost as little expertise as the house owners. I think that is verified by the comments of Hon Murray Criddle that, historically, because of the complexities involved in getting somebody with the appropriate qualifications to go out to a fairly remote part of the state, the local landowner would just go ahead and erect the building. Obviously, that is fine if there are no difficulties or problems. If, for example, a major storm or hurricane went through, it would prove to be a very dangerous practice. The deputy coroner's recommendation was as a result of the collapse of a house in 2002 in which a nine-year-old girl was killed. This bill addresses the deputy coroner's recommendations by enabling the regulations to prescribe the qualifications of people to whom a local government may delegate the power to issue building licences or building approval certificates based on the complexity of the building being assessed. Quite frankly, in this day and age and in terms of public safety and public interest, it is very important that people have the skills and technical expertise to guarantee the safety of the community. Members alluded to the fact that other people have been undertaking the role that technically would have been undertaken by a building surveyor provided there was an availability of building surveyors. Historically, when there was not an availability of building surveyors, other people undertook those activities. I do not think that is adequate. This bill provides opportunity for people who may not have a certificate 1 or a certificate 2 to have their qualifications and skills recognised through a recognition of prior learning process. People who are currently in the system without the formal qualifications in recognition of their skill levels will not be disadvantaged by this legislation. They will be able to apply to go through a recognition of prior learning process. That will assess their skill level to determine whether their skills are such that they meet the current requirements or whether they need to complete two or three units at TAFE or wherever it might be in order to get to the standard of a certificate 1 or certificate 2 qualification.

Hon Murray Criddle interjected.

Hon LJILJANNA RAVLICH: We can do that when we get to the committee stage of the debate.

Hon Murray Criddle: It is very important.

Hon LJILJANNA RAVLICH: It is a very important issue. I do not doubt that people who are already performing those functions but who may not have the appropriate level of qualifications do not want to be disadvantaged. They want to make sure that they are not left behind through the formalisation of the qualification process.

The bill also provides that when a local government elects to issue a building licence or a building approval certificate in its own right it must obtain advice from a person with at least the same qualifications as a person to whom it may delegate its power. This will ensure that appropriately qualified people scrutinise buildings requiring licences and approvals.

Members have raised a number of issues. Suffice to say Hon Ray Halligan mentioned the release of the Department of Housing and Works' discussion paper, which had a closing date for comment on 5 May 2006. It dealt with the content of the proposed regulations, including the transition period for adopting the national accreditation framework. As is usual in such cases, parliamentary counsel do not draft the regulations until the power is in the act. At that point the regulations are then drafted. That is why the discussion of the regulations is running concurrently with the passage of this amending bill. As a result of comment on the discussion paper, the Department of Housing and Works released a further position paper in August 2006 titled "Transitional Provisions for Building Surveyors". I seek leave to table the paper. It contains all the details of the government's proposals that will be included in the regulations. The regulations will be tabled in this house for scrutiny, as is usually the case. They can be disallowed if members are not satisfied that they meet the needs of the public, local governments and building surveyors.

[See paper 2658.]

Hon LJILJANNA RAVLICH: The proposals released in August 2006 have had widespread support from the profession and from local governments, and rightly so. As a former Minister for Education and Training, it is apparent to me that the proposal falls within the scope of the national accreditation framework. That means that these skills will be transferable around the nation. That is, indeed, a very positive development in general for the training of building surveyors.

I could spend quite a bit of time on the details and technicalities of the training, but I will not, because members have the opportunity to ask questions about that in committee. However, Hon Murray Criddle asked specifically about courses in Western Australia, and I take the opportunity to go into that. At the end of March, Central TAFE was scoped to provide the Diploma of Building Surveying. Students can now enrol in that course. There has been further development in that area. Central TAFE has lodged an application with the Training Accreditation Council to have the scope expanded to include the Advanced Diploma of Building Surveying. The outcome of the application should be imminent; I suspect the application was made at the end of March. I am quite happy to find out for the honourable member whether a decision has been made. The advanced diploma qualification will be necessary to become a level 2 building surveyor under the new legislation. The diploma is required to proceed to the advanced diploma, and the course is national in origin.

Central TAFE has commenced a project with the Department of Housing and Works, the Australian Institute of Building Surveyors and the Western Australian Local Government Association to develop a skills recognition process and a flexible delivery mechanism for statewide delivery and assessment of the Diploma of Building Surveying and the Advanced Diploma of Building Surveying. The skills recognition mechanism, which will allow workers in Western Australia to have their skills recognised as qualification for the diploma, is now completed and available. The advanced diploma will follow. A statewide regional road show visited councils in mid-April. The Department of Housing and Works is leading this initiative and Central TAFE will also participate in launching the training project and explaining how the skills recognition process will work. The full program of skills recognition and delivery of both the diploma and the advanced diploma should be ready for 2008. It is believed that this will meet the time line for the implementation of the legislation.

Members will be aware of the introduction of new courses of study into years 11 and 12 schooling. Building and construction is one of the new courses of study that will come into effect in 2008. I have endeavoured to link these proposed courses with the Curriculum Council of Western Australia to ensure that years 11 and 12 students undertaking the building and construction course are able to choose a direct pathway towards their final qualification. This is a very important area of potential growth of opportunity for young people. Young people were once limited in their capacity to acquire these qualifications. If those pathways can start off at high school and then proceed through to either TAFE or university, we can also sell it to students as an opportunity for employment in local government. That is long overdue. Historically, these positions were probably not given the status that they should have received, although they are fundamental to the operations of local governments right throughout the state. In the past, where the local government authorities were big enough, the shire engineer was granted the status, and yet so much of the very important work being done at local government level is being carried out by the building surveyors and technicians.

I thank members for their contributions. I understand we will be going into committee, largely to consider an amendment standing in my name, but also so that while the adviser is present we have an opportunity to consider some of the issues raised by members. I thank members for their support.

Question put and passed.

Bill read a second time.

Committee

The Chairman of Committees (Hon George Cash) in the chair; Hon Ljiljana Ravlich (Minister for Local Government) in charge of the bill.

Clause 1: Short title -

Hon RAY HALLIGAN: It has been some eight months since I spoke on this bill, and it may take some little time for me to remember some of the arguments I was putting forward and, more importantly, some of the questions the opposition wants to ask. The opposition supports this bill in principle, but we believe that certain issues brought to our attention by members of local government authorities need to be recorded in *Hansard*. Therefore, I will be asking a number of questions of the minister to facilitate that. The issues covered by this bill - the minister has alluded to this - include national competition policy obligations. The second reading speech given in the other place on 10 November 2005 mentioned that certain of the proposed amendments needed to be implemented urgently. I would like clarification as to whether that urgency still exists. Does the fact that some 18 months have passed since that statement was made place the government, and therefore the state, in any untoward position in relation to national competition policy? The other issues that I will raise relate to the suggested transitional provisions. Of course, the minister has only just tabled a position paper dated August 2006 that appears to differ in some respects from a previous position paper I have. I believe that there may be within the clauses of the bill the opportunity to discuss certain information that is in the new position paper on transitional provisions. I will leave my comments on that issue at this point.

Hon LJILJANNA RAVLICH: Clearly, there is a desire at a skills qualification recognition level for uniformity in qualifications across the nation; that is the reason for it to fit within the national framework.

I refer to the question of authorised and unauthorised buildings. Where buildings have been erected without authorised approval - in other words, people have done their own thing - there will now be a requirement for those buildings to be authorised. The situation currently is that local government authorities have the ability to take people who have erected unauthorised buildings to the State Administrative Tribunal. The last thing that we want is for that to occur. Obviously, that would have an impact on SAT's workload and would be disadvantageous for people who have unauthorised work because costs and fees will be involved. This bill provides the mechanism for local government authorities to give people who have an unauthorised building a certificate once the building is authorised.

Hon Ray Halligan: Retrospectively.

Hon LJILJANNA RAVLICH: Yes. That is my understanding. It simply means that people will have an opportunity to rectify a mistake of the past and make something that is technically not legal, legal.

Hon RAY HALLIGAN: I thank the minister for that explanation. I was referring to the national competition policy and the urgency for this bill to be passed and whether there was any current obligation and, particularly, any detriment because of the delay in this bill going through the Parliament.

Hon LJILJANNA RAVLICH: I am advised that it is part of the \$15 million payment. Therefore, the quicker we tie it up, the quicker we get our money. It means that the funding from the commonwealth in terms of the national competition policy is not under any threat.

Clause put and passed.

Clauses 2 to 4 put and passed.

Clause 5: Part XV Division 1A inserted -

Hon MURRAY CRIDDLE: I want the minister to finetune some of the things with regard to the advanced diploma that is able to be achieved. What is the time frame in which that particular qualification must be gained?

Hon LJILJANNA RAVLICH: It is a five-year transition period. Anyone who does not have it and wants it, has five years in which to achieve it.

Hon Murray Criddle: What is the length of the course?

Hon LJILJANNA RAVLICH: That is a different question.

Hon MURRAY CRIDDLE: I was requesting the length of time that is required to achieve that particular accreditation.

Hon LJILJANNA RAVLICH: I understand that it is a three-year course, with two years' relevant experience.

Hon MURRAY CRIDDLE: I want to clarify what “relative experience” is. The point I make is that some people in the country have been doing this job for quite some time - up to 40 years in some cases - and they will now be required to get a qualification or to advance to level 2 if they have already obtained a level 1 qualification. Getting a qualification presents some difficulties for some people who have been doing the job for so long. Some people simply do not want to do it.

Hon LJILJANNA RAVLICH: I think the member is trying to argue that people must get the qualifications. However, the relevant experience is included in the accreditation of a particular level. For example, someone who did not have a building surveyor qualification but who has six years’ experience would be accredited at level 2.

Hon Murray Criddle: That is the information I want.

Hon LJILJANNA RAVLICH: That is right. With regard to a diploma of surveying, a person with four years’ relevant experience would be accredited at level 2. A person who has no building qualifications but who has worked in a small town for six years as the building inspector, or a similar position, would be accredited at level 2. Obviously that person could continue to improve his qualifications if he wanted to do that.

Hon MURRAY CRIDDLE: Firstly, I want an assurance from the minister that in five years’ time, a building surveyor who is currently doing the job equivalent to a level 2 accreditation can continue to do the job without disruption and at no additional cost. As I pointed out, the cost could be up to \$500 per inspection. Secondly, can that qualification be achieved from TAFE externally?

Hon LJILJANNA RAVLICH: The answer to the second question is yes. Someone who has a diploma of building surveying and who has one year of relevant experience would not have to do anything apart from continue gaining experience for an additional five years. After six years - because there is a five-year transition period - that person would be assessed at level 2.

Hon RAY HALLIGAN: I would like the minister to give me some clarification. I heard what the minister said about the qualification, which is one aspect of the legislation. Another aspect is what the qualifications allow a person to do. There is plenty of documentation and there are plenty of tables. Some of it, to my untrained eye, is confusing, but I am sure that it makes sense somehow. I note that the position paper the minister just tabled, titled “Transitional Provisions For Building Surveyors”, states -

Existing local government building surveyors staying in their current employment don’t need to do anything. Their current roles and delegations can continue indefinitely.

I am fully aware that there must be a transitional phase of some description. It is a difficult situation to bring back into line with what is being proposed because what they are currently doing may be well outside of what the bill proposes. I understand the dilemma there. Be that as it may, if a senior person for a variety of reasons wishes to change his or her position and move from one local government authority to another without qualification, that person will be unable to go into another like position. Paragraph “ii.” on page 2 of the position paper refers to a local government authority wishing to make a new appointment or a new delegation. I am looking at the phrase “new appointment” and thinking about workers who find themselves caught in a situation without qualifications. They may very well believe that they are too old to go back to school, so to speak, and that they must remain with that local government authority so that they can, according to paragraph “i.” of the position paper, continue to do the things that they have been doing for a number of years. If for whatever reason they have an untenable position at that local government authority, it appears that they will just have to grin and bear it. Is that the way the government regards this situation?

Hon LJILJANNA RAVLICH: That is a very interesting question. Someone with no qualification working in local government A who transfers to local government B with no building surveyor qualification at all but who is employed as a building surveyor will automatically be accredited as a building surveyor technician. The building surveyor technician qualification is portable in the transfer to a new local government authority. The building surveyor technician qualification is then the basis upon which a person can increase the qualification, either by building on it with a number of years’ experience, which is allowed for by the transitional provisions, or, alternatively, by gaining improved qualifications by completing a technical and further education course.

Hon Ray Halligan also asked me: who can do what? To obtain a level 1 accreditation, building surveyors must have a degree qualification in building surveying or equivalent as well as three years’ relevant experience. They will be able to deal pretty much with any building before or after the transitional period, as they will be fully qualified. A level 2 building surveyor will be restricted to assessing and certifying compliance of buildings that are no more than three storeys and 2 000 square metres in total floor area. A building of 2 000 square metres is pretty big. I would imagine it would be something like a wheat shed.

Hon Murray Criddle: Yes.

Hon LJILJANNA RAVLICH: Yes. I would think that, obviously, for a building that reaches two or three storeys, we would require some engineering qualification as part of the qualifications; and, because of the heightened risk, a level 2 building surveyor would be limited and unable to do as much as somebody with a level 1 qualification. A new entrant to the profession seeking level 2 accreditation must therefore have an advanced diploma in building surveying or equivalent as well as two years' relevant experience.

Hon RAY HALLIGAN: I thank the minister for that explanation. Unfortunately, an older person, such as the one I mentioned, could still be classified as a building surveyor technician and could certify a two-storey building of up to only 500 square metres.

Hon Ljiljana Ravlich: That is right.

Hon RAY HALLIGAN: That I accept; it is there in black and white.

Hon Ljiljana Ravlich: Yes, but if he had six years' experience to go with that, he would then move to level 2, and at level 2 he would be able to deal with a building of 2 000 square metres.

Hon RAY HALLIGAN: Six years' experience now?

Hon Ljiljana Ravlich: Yes, six years.

Hon RAY HALLIGAN: Not five years' experience out of the previous 10 years?

Hon LJILJANNA RAVLICH: It is six years' experience.

Hon Murray Criddle: You said six years earlier.

Hon LJILJANNA RAVLICH: Yes, six years' total experience.

Hon RAY HALLIGAN: This is one of the minister's documents. The requirements are a diploma in building surveying or equivalent, plus one year or recognition of prior learning or five years' experience as a building surveyor in the past 10 years. Can we clarify that?

Hon LJILJANNA RAVLICH: I understand that this is part of an earlier discussion paper. I tabled the transitional provisions that were agreed to. I am sorry for the confusion. It shows that Hon Ray Halligan has a great interest in this area; he has obviously been following it for a while.

Hon RAY HALLIGAN: I am still coming to terms with the new document, which refers to the diploma in building surveying or equivalent plus one year relevant experience or recognition of prior learning and/or work experience. There is no period of time mentioned on page 8 of 15 of the August 2006 document. My whole purpose is to clarify it and have it recorded in *Hansard* so that anybody in a position of having to obtain a qualification or wishing to continue work in this field knows exactly where they stand.

Hon LJILJANNA RAVLICH: The only requirement a person needs is to have been employed as a building surveyor, which would then qualify that person as a building surveying technician. A person with six years' experience is a level 2 but somebody with no building surveying qualification employed as a building surveyor would just be qualified as a technician.

Hon RAY HALLIGAN: Again, I can only refer the minister to page 8. If people read that document, it would tell them the qualifications. The heading states, "Qualification and experience for each certificate." There is no mention of "six years", even under level 2.

Hon Ljiljana Ravlich: It says to refer to the information on page 12.

HON RAY HALLIGAN: In that case, we will go to page 12.

Hon Ljiljana Ravlich: Page 12 shows the relevant experience needed for each of the qualifications and the accreditation. You will see from the bottom up that a person with no building surveying qualification employed as a building surveyor would get a BST qualification. For a diploma of building surveying, you would need one year of relevant experience but you still get that BST qualification. If you have no building surveying qualification but six years' experience, you go to a level 2 and you transition all the way up to a bachelor's degree in building surveying. The member should not worry; it happens to me.

Hon RAY HALLIGAN: I think one would need a legal degree as well as a surveying qualification to follow all this.

Hon Ljiljana Ravlich: I don't have one.

Hon RAY HALLIGAN: I have not had the opportunity to read through this position paper totally. What does "relevant" mean in relation to experience?

Hon LJILJANNA RAVLICH: It means that, as far as possible, a person is employed and doing the work of what would be expected of a building surveyor.

Hon Ray Halligan: Within those classifications?

Hon LJILJANNA RAVLICH: Yes. Quite clearly, in a very small local government authority, for example, there may not be a call for a full-time building surveyor. However, someone might be filling up three-quarters of his working day undertaking the environmental health officer's work. That could be used as the basis for the acquisition of a building surveyor technician qualification.

Hon RAY HALLIGAN: I accept that. I was thinking of someone who has experience with only single-storey dwellings and who could not suddenly move into an area that requires certification for two-storey buildings. Is the minister saying that his relevant experience would depend on exactly what he has done in the past, unless he already has the qualifications?

Hon LJILJANNA RAVLICH: That is why we said a pragmatic recognition of prior learning and/or work experience will be fundamental to the process. Each will need to be looked at on a case-by-case basis because no two local government authorities are the same. Populations vary and the sorts of buildings that are erected vary and so on. We are not out to take away the livelihoods of people or disadvantage people who have given many years of good service in their capacity. However, we are keen to recognise that times have changed and community expectations have changed. People want to have confidence in the people who are performing very important functions, whether they be in this particular area of building surveying, occupational health and safety or any other area. We need to make sure that people can have that confidence and this is exactly what this bill will achieve. Hon Ray Halligan comes from the training area. This process is quite normal in allowing people to make a transition from prior learning to a qualification and to give them some formal recognition that they can then choose to build on. This is a bit unusual because it allows people to build on it through years of service. It is not mandated that people have to get higher qualifications, but lots of people will want to do so.

Hon RAY HALLIGAN: I thank the minister for placing that on the record. That clarifies the concerns that many people will have. They could read this provision and see it as only black and white, without any grey areas. However, the minister is suggesting that there are grey areas and that every case will be viewed on its merits. That is important and I thank the minister for providing that information.

Proposed section 373B reads in part -

- (1) A local government may appoint a person to the office of building surveyor of the local government.
- (2) If this Part applies to the district or a part of the district of a local government, the local government must appoint a person to the office of building surveyor of the local government.
- (3) If regulations made for the purposes of section 373A require an occupant of the office of building surveyor of a local government to hold a specified qualification under the regulations, the local government must not appoint a person to the office unless -
 - (a) the person holds the appropriate certificate of qualification under the regulations; or
 - (b) the Minister approves the appointment.

This appears to amount to some of the flexibility to which the minister was just alluding. If that is the case, I have written myself a note to ask what criteria are likely to be used. If the minister tells me that they are along similar lines to those she has just explained, I will be satisfied.

Hon LJILJANNA RAVLICH: The member is quite right. This provision is about ensuring flexibility for each special case so that they can be seen on a case-by-case basis. The criteria will be based on experience.

Hon MURRAY CRIDDLE: I think it would be very useful if we could get a template of the qualifications so that when we talk to local government, we can tell people what they are. I can see it is in front of the minister on two or three pages, but it would be useful to have it on A4 so that we can get the correct information.

Hon LJILJANNA RAVLICH: Hon Murray Criddle can do some very good PR work for us in relation to this. The more people who are aware and who understand the matter, the less concerned they might be. That concern may be ill-founded because of a lack of information. I give an undertaking that the agency will provide a comprehensive chart - I do not know whether it will be on A4 or A3 - that the member can hand out to the people he meets.

Hon Murray Criddle: That would be good. Thank you.

Clause put and passed.

Clause 6 put and passed.

Clause 7: Sections 374AA, 374AAB, 374AAC and 374AAD inserted -

Hon MURRAY CRIDDLE: Page 8 of the bill refers to the authority to approve or refuse approval and says the local government may delegate that authority to a person. Will the minister clarify who the person delegated to do the job might be?

Hon LJILJANNA RAVLICH: The person will be the local government building surveyor.

Hon MURRAY CRIDDLE: Is the person from within the existing local government and not somebody from outside?

Hon LJILJANNA RAVLICH: No, it is from within the local government. The honourable member is absolutely correct.

The CHAIRMAN: Members, we are dealing with clause 7 and the question is that clause 7 do stand as printed. The Minister for Local Government has an amendment.

Hon LJILJANNA RAVLICH: Yes. Sorry, Mr Chairman. Thank you very much. You had me a bit worried there because I thought you were going to overlook it, but I know that would not be -

The CHAIRMAN: I have been a bit worried about the minister jumping up before I give her the call. I am talking to the room below, as the minister knows, and they are pushing the buttons as fast as they can, but they cannot keep up with members who jump up and speak before they get the call.

Hon LJILJANNA RAVLICH: I shall heed that advice and I thank you for it. I move -

Page 9, line 28 - To delete "a committee; and" and insert instead -
the committee;

Page 9, after line 28 - To insert -

(e) provide for applications to be made to the State Administrative Tribunal for the review of decisions of the committee; and

The reason for these amendments is that during debate on this bill in the other place, the Minister for Housing and Works, Hon Michelle Roberts, gave the opposition an undertaking that there will be a clear right of appeal against a refusal by the qualifications committee to grant a particular building surveyor qualification certificate. The Department of Housing and Works had considered a number of possible appeal mechanisms and then obtained advice from the State Solicitor's Office on how it could best be implemented. The State Solicitor's advice was that the right of appeal must be included in the principal legislation and that the appeal should go to the State Administrative Tribunal. As a consequence of that advice, these amendments have been drafted and will provide that the regulations will enable a person who is dissatisfied with the refusal of the qualification committee to grant a building surveyor qualification to apply to the State Administrative Tribunal for a review of the refusal. That means that a proper, full and independent process will be available for any person who is aggrieved by a determination of the committee. This approach is consistent with proposed new section 374AAB(3) in clause 7 of the bill, which provides for regulations to be made with regard to the constitution of the qualifications committee.

Amendments put and passed.

Clause, as amended, put and passed.

Clauses 8 to 14 put and passed.

Title put and passed.

Bill reported, with amendments.