



ATTORNEY GENERAL; MINISTER FOR COMMERCE

Your Ref: 2739048
Our Ref: 44-23343

Mr Grant Henley
Mayor
City of Busselton
Locked Bag 1
BUSSELTON WA 6280

City of Busselton	Application No	Receipt No	City of Busselton
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	05 SEP 2016		
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Dear Mayor Henley

COMPULSORY ACCREDITATION FOR BUSHFIRE CONSULTANTS

Thank you for your letter dated 4 August 2016 seeking a system of compulsory accreditation for bushfire consultants as soon as practicable.

In your correspondence, you raised concerns regarding the quality of some bushfire hazard assessments and fire management plans that fall outside of the Commerce portfolio. I note that you have provided copies of your correspondence to the relevant Ministers and I expect that those Ministers will provide responses to those particular matters in due course. I can provide you with the following information that applies under the building legislation in designated bushfire prone areas.

The *Building Act 2011* (the Act) requires a registered building surveyor to certify that a building or incidental structure complies with each applicable building standard, namely the Building Code of Australia (BCA). The BCA includes bushfire construction requirements for certain residential buildings in designated bushfire prone areas.

The BCA is a performance based document that allows compliance through deemed-to-satisfy solutions (such as the Australian Standard AS 3959 – *Construction of buildings in bushfire-prone areas*), or through the development of a performance solution.

The BCA sets out assessment methods and other types of suitable evidence for supporting how a building will comply with the BCA requirements. Such methods include the use of expert judgement by someone who has appropriate qualifications and experience to determine whether compliance with the BCA requirements has been achieved.

It is up to the relevant building surveyor for the particular building to be satisfied that a person has suitable qualifications and experience to provide advice as part of the building surveyor's certification for compliance with building standards. This applies not only to bushfire risk assessments, but to other disciplines used for determining building compliance such as engineering (for example, structural, fire, and mechanical), access consulting and energy efficiency assessments.

To assist with providing general guidance to building surveyors, local government and industry, the State Government developed a framework for organisations wishing to provide accreditation schemes for bushfire risk assessors and planning practitioners. To date, only the Fire Protection Association has been recognised in a joint agency statement as meeting the Guidelines for providing a bushfire accreditation scheme in WA.

Additionally, the Department of Commerce (Building Commission Division) facilitated training for building surveyors to provide guidance on the types of things to consider when accepting a bushfire attack level (BAL) assessment as part of the building approval system. It was recommended that building surveyors consider the use of suitably qualified and experienced people to provide BAL reports, such as an accredited Level 1 BAL assessor.

Regardless of any accreditation system, the relevant building surveyor should be satisfied that any person providing advice for compliance with building standards has suitable qualifications and experience to provide that advice, and that it is suitable for the particular building, before signing a certificate of compliance under the Act. To disregard such considerations may leave a building surveyor open to disciplinary action under the *Building Services (Registration) Act 2011*.

I commend the good work that the City has done for many years in actively applying consideration of bushfire risk under its planning and building processes. I thank you for bringing this matter to my attention.

Yours sincerely



Hon. Michael Mischin MLC
ATTORNEY GENERAL; MINISTER FOR COMMERCE

✓✓ Cc: Hon. Donna Faragher MLC
Minister for Planning
7th Floor, Dumas House
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31 AUG 2016

Hon. Joe Francis MLA
Minister for Emergency Services
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