

Mr Ian McKendry
Building Commission
Level 27, Casselden Place
Melbourne 3000

December 19 2003

Dear Mr McKendry

Re: Review of the categories and classes of building practitioner registration in Victoria

Thank you for giving us an opportunity to respond to the Industry Discussion paper on these matters.

Background:

The 'tests' for registration (p10 of Building Commission discussion paper) are: (a) involvement in the building industry: (b) identifiable qualifications c) Potential to cause significant damage.

The current wording of the Building Act catches all engineers who are engaged on any basis in building work, including consulting and working in junior capacity. In practice, many such not registered. In particular there needs to be clarity as to whether 'occasional' consultants, such as academics or specialist engineers whose usual field of practice might be in, for example, aeronautical engineering, are required to be registered. The current understanding in the profession in relation to junior employees of principals who are registered is that the junior does not need to be registered – however, the Act does not reflect this.

The current wording also 'captures' the title of engineer, by prohibiting an unregistered practitioner, regardless of the extent and quality of their qualifications as a professional engineer, from using the title of engineer if engaged in building work. This is viewed by Engineers Australia as unreasonable and an unnecessarily broad net to cast if the intention is to prevent dishonest dealing.

Engineers Australia is concerned to ensure that the Practitioner registration system be implemented in such a way as to ensure consumer protection and building quality while minimizing bureaucracy, complexity and uncertainty for the professionals involved. We see this review as an opportunity to achieve simplicity and clarity in the registration system.

Response to questions posed by the Building Commission to Engineers Australia:

1. What criteria should determine whether an academic or specialist engineer, who normally does not undertake building work but who does provides advice to a registered building practitioner on a specific problem in relation to building work, should be subject to registration.

We suggest that only practitioners with a direct contractual relationship with a client should be mandatorily registered. However, the Act should require that the principal contractor ensure that sub-contractors who are not registered are insured at a level that would be required if the sub-contractor was registered.

2. Whether engineer employees engaged in any kind of building work should be entitled to use the currently controlled title of engineer in addition to the senior engineers/principals?

We suggest that the proscribed use of the title engineer should be removed from the Act altogether. The current provisions that prohibit a practitioner holding him or herself out to be registered should suffice.

The 'circular' definition contained in the Act, (where the terms 'building' and 'building work' are not defined precisely but link into the requirements for registration of practitioners) should be refined, taking into account the above and below proposed amendments.

The issue of junior employees requires further consideration. If they are not required to be registered as individuals the Act should make this clear, but perhaps there should be some guideline as to how far the 'net' of one senior principal registration may responsibly be cast. It is noted that the main deterrent to registering all employees is not the cost of registration but the complex paperwork and bureaucracy involved. See additional comment below re National Professional Engineers Register.

3. *Should persons who supervise and control the building practitioner service be subject to registration and should those who control and supervise practitioner services be named in insurance policies?*

It is suggested that consideration could be given to a category of Project Manager or Project Supervisor.

4. *Should the category of engineer be treated in a generic fashion and list within it a series of sub-disciplines as acceptable within that category?*

Yes. There is no practical way of legislating to cover all possible categories of engineer, and no reputable engineering practitioner is likely to attempt to practise outside their areas of competence. The list of sub-disciplines should be indicative only.

5. *Does the potential categories of (a) hydraulic engineer and (b) engineer-acoustics meet the tests for registration applicability?*

Covered in 4 above.

6. *Should a class of practitioner relating to sound transmission/acoustic design be created and if so:*

a. *Should this class be related to the category of engineer or a more general building design category?*

b. *Should such practitioners be subject to insurance provisions?*

Covered in 4 above.

7. *Should a company providing poor services be the target for de-registration as well as the relevant registered individuals i.e. directors/partners?*

It is felt that this is not within scope of existing or proposed regulations.

Additional comments

Engineers Australia is of the view that the requirement for registration should be the same as (i.e. identical in criteria and procedures for admission) the National Professional Engineers Registration system. The current Building Practitioner Board system of assessment of engineers is not as rigorous as that undertaken for NPER.

A significant reduction in bureaucracy in the Building practitioner registration scheme might be achieved if the NPER registration sufficed for both schemes.

In any case, Engineers Australia currently administers NPER on behalf of the government. It may be that the Building Practitioner assessment could at least be linked to the NPER system formally by using the same processing authority.

Thank you again for allowing us to comment. We are happy to provide further input at any time.

Yours sincerely

Jane Stephens
Executive Director