



ENGINEERS
AUSTRALIA

15 April 2016

Mr Logan Timms

Chair, Senior Officers' Group
Executive Director, Building Industry and Policy
Department of Housing and Public Works
GPO Box 2457
Brisbane QLD 4001

E: BCQ-NCPSOG@hpw.qld.gov.au

Dear Mr Timms,

Re: Strategies to address risks related to non-conforming building products

Thank you for the opportunity to provide feedback on the Senior Officers' Group (SOG) report on strategies to address risks related to non-conforming building products.

Engineers Australia is the peak body for the engineering profession in Australia. With over 105,000 members across the nation, we represent all disciplines and branches of engineering. Engineers Australia is constituted by Royal Charter to advance the science and practice of engineering for the benefit of the community.

The SOG report provides a valuable overview of the complexity of the regulatory framework applicable to building product conformity. This letter focuses on the role of the engineer and systems to enable consumers of engineering services to ensure that design, specification and certification work performed by engineers is undertaken by people with the necessary skills and experience.

Quality assurance

The report notes that building practitioners such as engineers have responsibilities to ensure their designs will function correctly and that the appropriate building materials are specified. It further notes that "a building certifier/surveyor may accept certification from other parties (e.g. engineers for structural work), but they must be satisfied the person is appropriately qualified to provide the relevant certification."

There is a range of systems in Australia to regulate the work of engineers and three examples follow that illustrate variability of this across the country:

- **Queensland:** The *Professional Engineers Act 2002* (Qld) prohibits persons who are not registered from offering or providing professional engineering services. The only exception is for individuals who practise under the supervision of registered professional engineers. The Board of Professional Engineers of Queensland administers the legislation.
- **New South Wales:** Engineers wishing to issue construction, occupation, subdivision, compliance and complying development certificates under the *Environmental Planning and Assessment Act 1979* (NSW) must be accredited by the Building Professionals Board under the *Building Professionals Act 2005* (NSW).
- **Commonwealth:** The Commonwealth Government has no requirements for registration of engineers working on Commonwealth material, land and buildings.

This variability in quality assurance mechanisms for engineering service providers highlights the potential for different outcomes around the country, with regard to ensuring that engineering designs will function correctly and that the appropriate building materials are specified. The following sections introduce ways to remove that variability and improve quality assurance.

Information asymmetry

In situations where engineering functions do not presently require any form of registration, consumers of engineering services are usually unable to verify the competence of service providers.

To overcome this information imbalance, in November 2015 Engineers Australia launched the National Engineering Register (NER). All members of the profession who meet the national benchmark standard of professionalism for the NER are eligible to apply to be registered on the NER. All registrants on the NER have:

- a recognised qualification benchmarked to the international education standards to which Engineers Australia is the Australian signatory, which is the Washington Accord for professional engineers
- a minimum period of professional practice post-graduation
- currency of continuing professional development (CPD)
- the benefit of Professional Indemnity (PI) insurance
- a commitment to ethical practice
- an annual certificate of registration
- an entitlement to use the ‘NER’ post nominal.

By choosing to engage an engineer who is on the NER the consumer—whether in a Tier 1 construction company or an owner-builder—can be confident that the engineer will meet the above criteria and be competent to practice.

Options for Government

The NER is a voluntary register and governments may choose to utilise it in a number of ways:

- **A pathway:** Where systems are already in place to assure the competence of engineers, the NER can be nominated as an acceptable pathway to registration or licensing. This approach has already been taken by the Queensland government for engineers seeking status as a Registered Professional Engineer Queensland (RPEQ) and could be replicated by all jurisdictions.
- **A new tool for expanded quality assurance:** A risk-based approach to regulation may deem it appropriate to expand requirements for the regulation of engineers to other fields within the building and construction industry (or even to engineering activities across the board). Creating a register would be a significant undertaking, and the NER offers an existing framework to make such an action much simpler.
- **Community awareness:** The report notes that industry and consumers require better information to make informed choices. The NER is a voluntary register and it would be appropriate for the government to promote the NER as a means to verify the quality of engineers. Just as quality assurance schemes and voluntary standards exist for the products in question, the NER is a quality assurance mechanism for engineering service providers.

Engineers Australia is constituted by Royal Charter to advance the science and practice of engineering for the benefit of the community. Ensuring that there is a means for the community to assess and select competent engineering service providers is an important function of the association. Engineers Australia would welcome any opportunity to work with the SOG and Building Ministers Forum to advance work in addressing risks related to non-conforming building products.

If you would like to discuss the ideas presented above I can be contacted by telephone on (02) 6270 6565 or by email at jrussell@engineersaustralia.org.au.

Yours sincerely

Jonathan Russell
National Manager, Public Affairs