



Victorian State Budget 2020-21 and the ongoing stimulus response to COVID-19

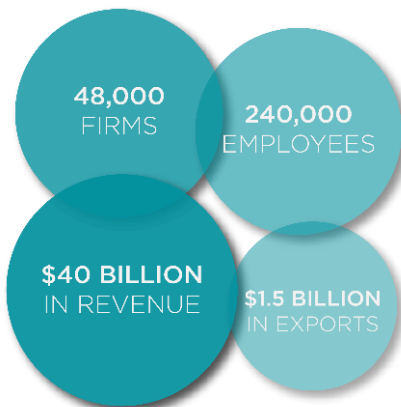
Recommendations from Consult Australia

October 2020

Contents

About us	3
Summary	4
Recommendations	4
Pipeline – supporting a smart and sustainable long-term pipeline of built environment projects	5
Boost the economy through a high value pipeline of built environment projects	5
An improved asset recycling initiative	7
People – a sustainable workforce and vibrant workplaces for consulting firms in the built environment sector.....	9
A built environment workforce strategy to maintain the sector’s capacity	9
Expand Victoria’s WorkWell initiative to improve industry and government practices	10
Procurement – delivering better value through improved arrangements and a partnership approach with industry.....	11
Adopt the Model Client Policy	11
Practice – ensuring a certain and stable regulatory environment.....	13
Reform to the Construction Supplier Register.....	13
Mutual registration arrangements for the engineers registration scheme	14
Contact.....	16

About us



Consult Australia is the industry association representing consulting businesses in design, advisory and engineering. Our industry comprises some 48,000 businesses across Australia, 90% of which are small business but also include some of Australia's top 500 companies. They provide solutions for individual consumers through to major companies in the private sector and across all tiers of government. Our industry is a job creator for the Australian economy, directly employing 240,000 people. The services we provide unlock many more jobs across the construction industry and the broader community.

Some of our member businesses include:



Summary

This document outlines Consult Australia’s recommendations for the upcoming 2020-21 Victorian Budget and the Victorian Government’s ongoing stimulus efforts in response to the economic impacts from the COVID-19 pandemic.

The impacts from COVID-19 on Victorians have been truly unprecedented. The Victorian Government’s response to date has rightly been health-led, and recent successes has put the state in a position to increase the focus on the economic response, and the livelihoods of Victorians.

Our recommendations seek to emphasise the important role that the infrastructure and built environment industry can play in supporting these economic response and recovery efforts in Victoria. The projects that our industry deliver are key to improving Victoria’s economic prosperity, to creating thriving cities and regions, and to providing valuable links for people and goods.

As the industry association representing businesses in design, advisory and engineering who provide professional services in the infrastructure and built environment sectors, our recommendations are structured around four priority areas:

- Creating a smart and sustainable long-term infrastructure pipeline
- Investing in our industry’s people by having a sustainable workforce and vibrant workplaces
- Improving procurement practices
- Enhancing productivity through balanced reforms to the regulated practice environment.

Recommendations

In brief, our budget submission includes the following recommendations:

Pipeline	<ul style="list-style-type: none">• Expand Infrastructure Victoria's role to focus on business case assessments• Invest in more business cases to shore up the next wave of projects• Introduce property tax reforms to encourage more private sector investments• Renew an asset recycling policy
People	<ul style="list-style-type: none">• Fund a strategy to maintain Victoria's capacity to deliver infrastructure projects and to expand the pipeline of future talent for careers in our industry• Expand Victoria's WorkWell initiative to increase the focus on mentally healthy workplaces
Procurement	<ul style="list-style-type: none">• Adopt the Model Client Policy• An improved procurement decision making process for individual projects
Practice	<ul style="list-style-type: none">• Reform the Construction Supplier Register to remove unnecessary barriers• Enable mutual registration arrangements under the Professional Engineers Registration Scheme

Pipeline – creating a smart and sustainable long-term infrastructure pipeline

Boost the economy through a high value pipeline of built environment projects

We have three recommendations to boost the economy through a high value pipeline of built environment projects:

- 1.1. Expand Infrastructure Victoria's remit to include the provision of independent assessments of business cases for infrastructure proposals
- 1.2. A business case-led approach to shore up new waves of projects
- 1.3. Creating the conditions for a strong pipeline of private sector projects.

We explore these in detail below.

Expand Infrastructure Victoria's remit to include the provision of independent assessments of business cases for infrastructure proposals

Recommendation 1.1: *Ensure major infrastructure announcements in the Victorian budget, including the fast-tracking of funding for projects, are backed up by a new assessment and prioritisation process through Infrastructure Victoria.*

Increasingly over recent months, the role of infrastructure investments has been rightly described as a critical policy lever to help governments address economic and social challenges from COVID-19 impacts. This stems from infrastructure and new investments being seen as important enablers of broader economic and social development, rather than seeing these investments as traditional demand-verse capacity and asset-by-asset considerations.

Consult Australia believes this focus on boarder economic and social benefits reiterates why the Victorian Government should continue to follow robust governance and decision-making processes to inform investment decisions and look for further opportunities to improve this approach. This will maximise investment outcomes, particularly in the context of fast-tracking new projects to stimulate a slowing economy. The capital spend is too often the focus when measuring the benefits from investments or the effectiveness of a government's approach. Instead, we firmly believe infrastructure investment decisions by governments should be centred on how the project will deliver ongoing value to the economy and the community (i.e. the post construction whole of life value), and that this be a key component of the business case assessment.

The Victorian Government has made inroads in recent years establishing Infrastructure Victoria as an independent statutory body responsible for preparing a long-term infrastructure strategy, providing advice to government and leading research on related issues. The outcomes achieved from this approach have been substantial. We believe the Victorian Government should now look to expand this approach by expanding Infrastructure Victoria's remit by providing independent assessments of business cases for major infrastructure proposals and using this advice to inform pipeline prioritisation. This is a similar responsibility to other similar bodies such as Infrastructure Australia.

Recommendations

Any desire to fast-track the delivery of projects to help boost the economy should not skip or rush these important upfront considerations, and this highlights the importance of having these independently and expertly assessed. These upfront considerations are critical for ensuring downstream challenges are considered and for ensuring the long-term pipeline of infrastructure projects is smart and adding value to our communities.

Information for industry on the forward pipeline of works coming out of business case assessments should be centrally managed and shared on the Office of Project Victoria's website ([here](#)), and the government should ensure this information is providing industry certainty by being up to date and accurate. Our policy report on infrastructure governance released on the topic in 2018 (available [here](#)) also expands further on the benefits of this recommendation.

A business case-led approach to shore up new waves of projects

Recommendation 1.2: *Invest in more infrastructure business cases to shore up new waves of projects in the long-term pipeline beyond the next six to twelve months.*

The Victorian Government has played a critical role in supporting the state's response and recovery from COVID-19 over recent months. In addition to measures designed to cushion business impacts, the government has also looked at options to bring forward funding for projects from the long-term pipeline. These decisions have helped the broader construction industry.

Going forward, and noting recovery efforts will span many years, the Victorian Government should be mindful of the potential for a flash-burn effect in the construction market. An approach that focuses exclusively on bringing forward shovel ready projects means industry capacity could be quickly exhausted by delivering projects at pace now, and substantially reducing the forward pipeline of new projects in the medium to long-term. As such, stimulus should not just look at moving projects forward, but also new waves of projects in the forward pipeline to support growth and productivity objectives to sustain the Victorian economy beyond the next six to twelve months.

We encourage the Victorian Government to now look at taking a business-case led approach to recovery and response efforts by developing a new wave of sound investment proposals that will shape the state in a post-COVID-19 era. Sound investment proposals underpinned by business cases that inform project selection is the best way for the government to maximise social and economic benefits from stimulus.

Investing in business cases also creates jobs. We estimate the labour multiplier (i.e. jobs created) from government investments in business case developments is 11 jobs per million for a typical project.¹ This compares favourably to estimates for the labour multiplier for construction activities, which can be around four to seven jobs per million investment.

Creating the conditions for a strong pipeline of private sector projects

Recommendation 1.3: *Increase private sector investment appetite and business confidence in the building industry through property tax reforms.*

We are currently seeing a downturn in the demand for services from our members relating to property projects due to a lack of private sector investment confidence. Eighty-four per cent of members who are

¹ Consult Australia briefing note, Labour multiplier from investments in business cases (June 2020)

currently experiencing a reduction in work due to the COVID-19 impacts noted this downturn relates to privately funded projects. While 70 per cent noted this reduction relates to a downturn in commercial building projects and 60 per cent for residential projects. Many also noted a reduced outlook for these project types and the significant concern this is for their business.²

It is positive that a number of governments have intentions to address this abeyance in investment by targeting project types using similar capabilities (such as school and health facility upgrades) and by improving planning assessment arrangements. However, we also believe taxation settings are another important policy level that governments could use to increase private sector investment appetite in this space, particularly in the medium-long term.

One solution that has been discussed over recent decades is a broad-based and low threshold land tax that replaces stamp duty on conveyances and local council rates. While helping to provide the Victorian Government a more sustainable revenue source than one based on the health of the property market, we also see the following direct benefits from this type of property tax reform:

- more first home buyers – removing tax obligations on property transaction will help more people buy their first home sooner, noting that current exemption thresholds are being outpriced by the market in areas such as Melbourne
- greater movement in the market – removing tax obligations on property transactions will encourage more people to re-enter or investment in the market, better use of assets (i.e. upsizing and downsizing), greater mobility within our community, and more competition in the market
- alternate housing models – tax changes could create more incentives for alternate and affordable housing models such as build to rent and shared ownership that are enabled by 'build-own-operate' arrangements that are less commercially desirable in Victoria due to tax setting. This could also open up the private sector's role in the provision of social housing
- an adequate supply and stock of property – removing frictions from taxes helps ensure the property market is more responsive to demand and supply, which can help reduce wild fluctuations in prices from overdemand
- more jobs in the property sector – a more effective property market supported by well-designed property taxes will improve business conditions and create jobs, as well as improve business confidence by creating clear demand and a visible long-term pipeline of new property projects.

Consult Australia will be shortly releasing a policy paper on this topic, which will outline suggestions for how this often talked about tax reform could be quickly and fairly implemented – which we believe is often the conversation that stalls the debate.

An improved asset recycling initiative

Recommendation 1.4: *Renew an asset recycling policy focused on delivering ongoing public benefits to the community.*

² Consult Australia, [COVID-19 Industry Health Check \(September 2020\)](#)

We acknowledge there has been shortcomings in previous approaches to asset recycling around the country. One shortcoming we see with the Australian Government's previous asset recycling initiative was the 15 per cent 'first come, first serve' bonus for state and territory governments based on the asset transfer transaction price. We believe this encouraged more of a focus on the upfront public benefit from additional revenue than the ongoing public benefit from service outcomes.

Asset recycling does not lead to successful or unsuccessful outcomes by default. It only results in a 'win-win' for all stakeholders, particularly the community, when improved efficiency and service provision outweighs higher borrowing costs and profit margins. As such, we believe there is merit in the Victorian Government to again look at how asset recycling, with improved arrangements in place, can help support economic recovery efforts across the state.

Consult Australia released a report on the topic (available [here](#)) in March 2019 where we recommend state and territory governments continue to pursue asset recycling opportunities in the public interest and renew related policies based on the eight conditions below.

1. Asset recycling must be underpinned by competition, contestability or regulatory controls that protect public interests by appropriately limiting the profit maximising opportunities of investors.
2. A preference to transfer assets to the private sector as a lease as opposed to a full sale, continuing government ownership, but shifting the ongoing operations of assets to the private sector.
3. All asset leases should include clear handback conditions relating to ongoing maintenance and upgrades, managed through strong enforcement arrangements.
4. Ensuring asset transfers are structured as 'steward' arrangements which include performance indicators and funding schedules aligned to service outcomes.
5. An asset recycling process that includes a requirement for governments to model longer-term impacts on user costs from asset transfers to the private sector.
6. An asset recycling process that includes an upfront public consultation to provide an opportunity to understand and address community concerns before an asset is transferred to the private sector.
7. Re-investing proceeds from asset recycling into new infrastructure projects.
8. Ensuring asset recycling is resulting in tangible benefits for users impacted by transfers to the private sector, through service improvements and/or re-investing some of the proceeds on infrastructure needs in the surrounding area.

An asset recycling-led approach focused on attracting investments from the private sector in mature assets may be a lower risk for the Victorian Government than some market-led proposals or other investment partnerships.

People – investing in our industry’s people by having a sustainable workforce and vibrant workplaces

A built environment workforce strategy to maintain the sector’s capacity

Recommendation 2.1: Fund and develop a strategy to maintain Victoria’s capacity deliver infrastructure projects and to expand the pipeline of future talent for careers in our sector.

Skill shortages have been growing across the broader built environment workforce over recent years due to the increasing number of infrastructure projects being delivered across Victoria. While areas of the broader industry have been impacted by COVID-19, demand in areas such as publicly funded infrastructure projects continue to grow as additional investments are used to help drive the economic recovery from the pandemic. However, our ability to keep pace with the scale of projects needed to deliver these ongoing economic benefits in response to COVID-19 impacts is limited if we are not also strategically addressing the root cause of skill shortages and aiming to increase industry’s overall capacity.

Our [2019 skills survey results report](#) highlights the significant workforce demands and skill shortages that our member firms currently face. 63 per cent of respondents from member firms indicated they are actively recruiting and are experiencing skill shortages. Furthermore, 78 per cent of respondents indicated these problems are experienced when recruiting mid-level roles and 60 per cent for senior level roles. By breaking down these skill shortages into employment disciplines we find that, civil engineers and drafters, engineering managers, and rail engineers are most in demand.

Addressing skill shortages is not as simple as increasing our recruitment activities, particularly for mid to senior level roles that require years of professional experience. The skills needed by our member firms are underpinned by the education system. A sufficient number of students progressing through STEM subjects into related university courses is required, with enough graduates to then pursue a career in our industry sector – i.e. a strong STEM talent pipeline. Our sector’s ability to develop professional skills and provide the experience needed to replenish the capabilities of our workforce are limited without a sufficient pipeline of talent. This problem is exacerbated during periods of elevated infrastructure investments and through procurement practices that focus too much on lowering costs rather than investing in long-term capabilities. In our view this makes our sector more vulnerable to skill shortages, unsustainably stretches our workforce’s capacity, and results in the offshoring of skills and resources by squeezing fees.

Consult Australia believes these challenges can be addressed by the Victorian Government funding and developing a long-term strategy to ensure the built environment workforce has the capability and capacity to continue delivering a growing pipeline of infrastructure projects over the next 15 to 20 years.

The strategy should include:

- a root cause analysis of skill shortages in the built environment industry, which also considers COVID-19 impacts
- a map of the range of skills needed across the industry and link these to current education and training pathways
- outline policy improvements and targeted investments to unlock capability and capacity constraints.

Recommendations

We believe the strategy should also consider:

- measures that will support greater diversity and creating a more inclusive pipeline of talent
- the shift in demand and new skill requirements from the uptake of new technology and data analytics, and the impact this will have on project delivery such as the need to move away from binary skills and to strengthen creative thinking, problem-solving, and other skills
- reforms aimed at attracting more students into STEM subjects at primary and secondary schools, and addressing [STEM education challenges](#) that we identify in a recent discussion paper such as increasing engagement with industry through a structured and collaborative approach.

This strategy should be developed in collaboration with the education sector and supported by industry.

Expand Victoria's WorkWell initiative to improve industry and government practices

Recommendation 2.2: *Expand Victoria's WorkWell initiative through a new framework and by new targeted funding focused on supporting workplaces to improve mental health outcomes.*

As outlined in our report from 2018 on mental health workplaces in our industry (available [here](#)), businesses have a social obligation to create a mentally health work environments for their employees. With one in five Australians experiencing mental health conditions in a given year and the same proportion of workers having taken time off work because they felt mentally unwell, the prominence of the issue in the workplace means the topic must be a priority.

As such, Consult Australia recommends the Victorian Government further expand its WorkWell initiative, managed through WorkSafe Victoria, further by looking at more opportunities to support mentally healthy workplaces across the state. This expansion should also focus on developing a framework to help turnaround outcomes in at-risk sectors, identifying casual effects for challenges such as procurement practices, and set tangible performance targets for the initiative.

An expanded initiative should be up by appropriate funding to also deliver targeted initiatives focused on delivering meaningful change. This should include funding for more proof-of-concept trials by NGOs, and other organisations such as universities, which could result in significant improvements and a more comprehensive evidence base towards mental health practices in the workplace.

Victoria's approach to mental health in the workplace should be outputs-focused, noting an inputs-focused and 'black and white' regulatory approach does not appropriately consider the nuance and differences for individuals around mental health. As such, we are strong supporters of the incentives-focused mentally healthy workplaces approach of the WorkWell initiative.

Procurement – improving procurement practices

Adopt the Model Client Policy

Recommendation 3.1: All Victorian government agencies and departments adopt the Consult Australia Model Client Policy as a means to support the economic recovery from COVID-19 impacts.

We continue our call for all governments to embed Consult Australia's [Model Client Policy](#) into procurement practices. Like the model litigant policy, our Model Client Policy seeks to address the power imbalance that favours government clients when contracting with the private sector. This power imbalance is acknowledged and addressed when it comes to legal disputes, but not when it comes to contracting.

Some examples of this power imbalance and challenges created include:

- government clients negotiate one on one with private sector suppliers for every contract, often using bespoke contracts or modified 'standard' contracts that often repeat the same problematic terms
- problematic terms resolved in previous contracts re-appear in new contracts
- government clients often get external legal advice to set the terms of the contract, which prioritise risk avoidance rather than a commercial approach to risk management and proper risk allocation, thus often includes problematic terms
- industry participants invest significant time and expertise in contract negotiations, arguing the same concerns over and over - time that could be better spent providing the service.

Essentially a 'model client' works collaboratively with industry to achieve mutually beneficial outcomes. The Victorian Government should ensure there is commercial capability training of procurement officers to increase knowledge of commercial factors and techniques to move away from risk avoidance to a proper assessment and a well-reasoned allocation approach.

The adoption of a model client policy by all Victorian Government agencies and departments would improve:

- productivity, for both the Victorian Government and industry as time previously wasted arguing against unfair contracting is saved as the 'model client policy' sets out how best to contract with consultants for better project outcomes
- the culture of the industry more broadly, as private sector clients tend to follow the lead of government clients;
- bidding prices, if risk is properly allocated
- risk management in the delivery in infrastructure generally
- government expenditure, as need for external legal advice diminishes.

As previously indicated, given the significant spend committed to infrastructure projects, even a one per cent efficiency gain would translate into significant savings – which is even more significant as we move to economic recovery from COVID-19. Further, as our 2019 [Innovation in Infrastructure](#) report demonstrates, improved procurement practices can also lead to more innovative delivery of projects.

An improved procurement decision making process for individual projects

Recommendation 3.2: *A procurement strategy for a project, which includes procurement model and work packaging considerations, should be developed alongside the proposal and follow the business case gateway process and be based on expert advice.*

The procurement strategy for a project is sometimes tokenistic and not given appropriate consideration by the right experts at the right time. Some challenges from the current approach include:

- government agencies and departments too often decide on a procurement model without the right expert advice. For example, an economist might recommend what seems to be the cheapest model and a lawyer might recommend the most risk adverse model for the client
- often a model is used because it was used last time – without consideration if it suits the particular project and circumstances
- rarely does industry engagement occur early enough so government clients can utilise their expertise and experience to help determine an appropriate model
- there is little documentation or justification of the model chosen, which reduces accountability for the decision and makes measuring the outcomes difficult
- sometimes the model or how work is packaged is changed late in the piece – this adds costs to businesses if work is being re-tendered.

We believe all Australian governments can improve their procurement approach through more rigorous upfront arrangements that inform decision making, and greater accountability by measuring outcomes that then inform improvements.

We recommend that a procurement strategy be developed alongside a project proposal and that this strategy follows a business case gateway process and includes an integrated team to inform the approach (see our report [here](#) for how this approach is outlined for a business case perspective). This would mean the Victorian Government has an informed position on a project's procurement approach at the same time it is being announced in a budget.

The Victorian Government should ensure this procurement strategy is seen as an integral component of a project proposal and to have these needs considered by relevant experts. The gateway process should be used to refine the procurement strategy in a similar approach as the options analysis between an initial business case and a detailed business case. For example, an initial procurement strategy might select a range of procurement models as relevant and these options would narrow down at various gateways and to then pre-tender a shortlist of two to three models for the market to comment.

We believe this recommendation would help improve the quality of infrastructure announcements by providing an improved view on how a project will be delivered alongside what is being delivered. This will also help reduce significant costs for industry from needing to anticipate the procurement approach for a new project and seeing the model change over time.

Practice – enhancing productivity through balanced reforms to the regulated practice environment

We have included two recommendations relating to the regulatory environment in Victoria for our members. While these recommendations are not directly budgetary or stimulus focused in nature, both are equally critical for ensuring the Victorian Government is creating the right regulatory environment that is not hindering these economic efforts.

Reform to the Construction Supplier Register to remove unnecessary barriers

Recommendation 4.1: *Reform the Construction Supplier Register to remove the unnecessary and impractical requirement for there to be a nominated director on the board of a business for each registration class under the Building Act 1993.*

An unnecessary barrier of the Construction Supplier Register (CSR), flowing from requirements of the *Building Act 1993*, could significantly impact Victoria's economic response and recovery from COVID-19.

The CSR is administered by the Department of Treasury and Finance and is a resource for Victorian Government agencies to shortlist consultants and contractors for EOI and tender. In our experience prequalification on the CSR is often a government client requirement and without it a tender will be deemed 'non-compliant'. Our concern is that the current CSR requirements are reducing the competition in the tender market (resulting in poorer value for money outcomes for the government) as businesses are excluded from tendering simply based on their business structure. It is vital that all suitably qualified and experienced consultant businesses are on the CSR to ensure delivery of Victoria's stimulus projects.

The issue arises particularly for our multi-disciplinary Tier 1 and 2 members. The expertise of these businesses covers a wide range of engineering and broader consulting disciplines. The *Building Act 1993* requires registration of a body corporate on the CSR and that there is a 'nominated director' for each registration class under that Act. This means, for example, that for a multidisciplinary business that works across the engineering fields of; civil, electrical, fire safety and mechanical, (to name but a few in a large multi-disciplinary business) up to four Board positions must be held by professionally qualified and practicing engineers. This confuses governance with operations, and is not a practical requirement for our Tier 1 and 2 members.

An unintended consequence of this obligation is that companies may not be able to achieve diversity in their Board members across the range of professional skills needed for good corporate governance, because the size of the Board will become unwieldy if every type of engineering discipline offered by the business has to be on the Board. A diverse Board is a key pillar of a healthy and inclusive Board, which sets organisational culture and as an outcome achieves a more innovative company and therefore industry. The ASX Corporate Governance Council's Corporate Governance Principles and Recommendations 2.1 (2019) provides the following practical guidance in relation to the size of a Board:

The Board should be of sufficient size so that requirements of the business can be met and changes to the composition of the Board and its committees can be managed without undue disruption. However, it should not be so large as to be unwieldy.

The Australian Institute of Company Directors is active in this area and recommends a diverse mix of competencies on modern boards to ensure proper management of the company – that is across governance, legal, accounting etc. Their recommendations are available [here](#).

In effect, this requirement means that some businesses are disadvantaged over others simply because of the company structure. This fails to consider market realities including the increasing consolidation of consulting companies and the need for multi-disciplinary operations.

It is an untenable position for the Victorian government to reduce access to the best businesses because of this barrier. There is no public policy purpose delivered by this requirement that cannot be realised by ensuring there is a nominated person (rather than director) for each relevant registration class. It is also unreasonable to expect businesses to expand their Board, or alternatively restructure their business, to accommodate this requirement. As such, we recommend urgent amendment of the *Building Act 1993* to make clear that a 'nominated person' rather than a 'nominated director' must be registered in the relevant class/es. This maintains the public purpose of registration while removing a barrier to participation. We understand that legislative change is neither easy nor fast, but we believe such a change could be achieved in an Omnibus Bill to address issues of immediate importance to Victoria's recovery from COVID-19.

While we have been in discussions with the Department for almost a year to resolve this issue, now is the time to act, as without action Victoria's stimulus efforts will not be potentially hindered.

Mutual registration arrangements for the registration scheme for engineers

Recommendation 4.2: *Enable mutual registration arrangements between jurisdictions under the Victorian Government's Professional Engineers Registration Scheme and take the lead on developing national arrangements for registered practitioners that safeguard occupational mobility.*

Consult Australia acknowledges and supports the Victorian Government's intention to drive professionalism in our industry through the introduction of a registration scheme for engineers as enabled by the *Professional Engineers Registration Act 2019*.

As the organisation exclusively representing businesses in the sector, we welcome the opportunity to work with the Victorian Government to devise the supporting regulations for the scheme to promote both public benefit and good regulatory practice whilst supporting a vibrant, sustainable consulting and engineering industry. As such, we support the Department of Justice's establishment of a steering committee to help devise these regulations.

At present Victoria is delivering a significant infrastructure program which will continue to grow at pace for at least a decade. The engineering expertise provided by design, advisory, and engineering businesses will be essential to the Victorian Government's success in this task. It is important that business disruptions are minimised as they work through registration requirements to minimise any tangible impact on this program's delivery.

We believe the introduction of mutual registration between existing and future schemes in other jurisdictions is critical for minimising these business disruptions. Engineers, arguably more so than any other registered professionals, work across Australia and their skills are in high demand. Not only are engineering skills in demand but they are also in short supply, so it will be critical that the introduction of the registration scheme

does not impinge on the movement of skills across the country or unnecessarily increase the cost of doing business.

Consult Australia recommends the Victorian Government work with other state and territory governments through National Cabinet and with the Federal Deregulation Taskforce to embed occupational mobility for engineers. Consult Australia recommends that a technological solution could ensure national mutual registration arrangements for registered practitioners. A national portal would provide benefits to governments, industry and the public.

Contact

We would welcome any opportunity to further discuss our recommendations. To do so, please contact:

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