



# **National Registration Framework for Building Practitioners**

**RESPONSE TO AUSTRALIAN BUILDING CODES BOARD**

**AUGUST 2020**

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Response to the ABCB's Discussion Paper



## 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, ranging from sole practitioners through to some of Australia's top 500 companies, providing 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:



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## INTRODUCTORY REMARKS

Consult Australia welcomes the opportunity to provide this response to the Australian Building Codes Board's (ABCB's) Discussion Paper on a national registration framework for building practitioners. We understand this is part of a broader suite of consultation ABCB is undertaking to support a national approach to implementing the recommendations of the *Building Confidence Report* by Shergold & Weir (BCR).<sup>1</sup>

At the outset, Consult Australia would like to stress how important certainty and consistency is to our members (and the broader building industry) as we strive to recover from the impacts of COVID-19. The work of the ABCB to find a nationally consistent approach, and then adoption by the states and territories (rather than development of conflicting schemes) is critical to ensuring that our members have a stable regulatory environment in which to operate.

It is important to acknowledge the hardening in the insurance market, particularly in relation to professional indemnity (PI) insurance that provides cover for the professional services provided by our members. This hardening has resulted in reduced capacity due to market consolidation, significantly increased premiums, and a reduction in policy coverage with carve-outs for risks associated with building work. Where the insurance policy does not provide cover, not only are consultancy businesses and practitioners exposed, but so are their clients and consumers. While larger businesses can weather the changes better than smaller operators, the hardening of the insurance market affects all business. By way of example, we were contacted by one of our SME members gravely concerned about the affordability of their PI insurance. Their newly quoted premium for 2020/21 has gone from \$30,000 for a \$2million policy in the previous year, to over \$100,000 for a \$1million policy. This is not an isolated case.

The building and construction sector is now further impacted by COVID-19. The *Consult Australia COVID-19 Pulse Survey* (undertaken and published in early June 2020) indicates that two-thirds of our member businesses are experiencing a reduction in work from COVID-19. The building sector is a significant area of concern with 64% of businesses reporting a reduction. 56% of members anticipate that competition across the industry will become tighter over the next six months. This impact cannot be ignored when exploring reforms that impact the market.

With a significant proportion of our members being small and medium enterprises (SMEs), there is real concern about the unnecessary financial and administrative burdens of individual state/territory registration schemes. This concern was prevalent pre-COVID-19 and has only intensified.

For this reason, Consult Australia has consistently advocated for a national approach that facilitates one registration by a practitioner for all Australian jurisdictions (what we call *mutual registration*) rather than one registration in one state/territory and then multiple mutual recognitions in the other states/territories (as is the usual practice).

We note and strongly support occupational mobility as the latest priority area for the Federal Deregulation Taskforce. We are actively engaged with the Taskforce and promote their work to our state and territory government stakeholders. In discussions with the Taskforce we have also pointed to the significant work that ABCB's BCR Implementation Team are doing to develop a nationally consistent approach.

Unfortunately, there seems to be a substantial disconnect between all this work. Individual state/territory governments are moving ahead with separate schemes instead of working together to develop a single scheme that would deliver; realisation of the relevant BCR recommendations, true occupational mobility, and ultimate consumer confidence. Consult Australia continues to call on all governments to work together to facilitate mutual registration, for example through the National Cabinet process.

In the meantime, in this submission we provide observations from our members, especially in terms of fire safety design, fire systems design and hydraulic design.

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[www.industry.gov.au/sites/default/files/July%202018/document/pdf/building\\_ministers\\_forum\\_expert\\_assessment\\_-\\_building\\_confidence.pdf](http://www.industry.gov.au/sites/default/files/July%202018/document/pdf/building_ministers_forum_expert_assessment_-_building_confidence.pdf)

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### BCR RECOMMENDATIONS

The Discussion Paper states that the Framework has been developed to deliver BCR recommendations 1 and 2 in the most effective, nationally consistent way, being informed by existing state/territory registration schemes.

As discussed in the above Executive Summary, Consult Australia advocates for mutual registration – one registration that applies in all relevant jurisdictions without the need for administratively burdensome mutual recognition.

Therefore, we suggest that the ABCB's BCR Implementation Team work closely with the Federal Deregulation Taskforce to drive a national solution.

#### Authority to practice vs recognition of competency

Our members advise that there is significant financial and administrative burden where the role of government registration versus the professional accreditation is unclear:

- Government registration should focus on the authority to practice in the jurisdiction;
- Professional accreditation should focus on the recognition of competency.

Therefore, government registration schemes should not set and assess competencies, monitor continual professional development (CPD) and maintain ethical codes of practice – that is the role of professional bodies. Professional bodies can conduct audits and reviews to report on professional practice issues. Governments instead need to focus on conducting building audits and similar practices that sanction improper practice (and the related enforcement).

#### Qualifications

Our members advise that in relation to qualifications, it is agreed that engineering courses should meet the Washington Accord requirements. It is noted that such engineering courses also should be accredited by the relevant professional body, to ensure they align and deliver the competencies required for accreditation requirements necessary to be achieved through academic training.

To be clear, professional bodies should accredit courses that go to qualifications, but CPD courses do not need such accreditation. Like the legal profession, building practitioners and engineers should be able to acquire CPD points from a range of activities and providers.

### TAXONOMY OF THE FRAMEWORK

The Framework aligns specified disciplines with a field and category that reflects the core work of each discipline. Below we provide comments on the disciplines of; hydraulic design, fire safety design, and fire systems design. We also note various aspects not covered by the Framework for consideration.

#### Hydraulic design

Consult Australia members advise that 'hydraulic design' in buildings can be done by a mechanical engineer (in addition to civil and water services).

#### Fire safety and fire systems

Consult Australia members are pleased to see fire safety design and fire systems design included as separate disciplines in the Framework as they are different but complementary roles.

It is recommended that further clarification is inserted in relation to design of systems, such as sprinklers, fire detection and hydrants. Currently, these practitioners can often be referred to as 'fire protection designers', 'fire services designers' or 'fire systems designers' depending on the jurisdiction. Getting national consistency on the terminology for this role as 'fire systems designers' would be helpful.

Members advise that 'fire systems design – water-based firefighting and fire suppression' can be done by a mechanical engineer.

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## Various aspects not captured

Consult Australia members note that telecommunications, security, AV, lighting design is not captured by the Framework.

Further, 'design management' does not seem to be captured. It should be noted that 'project management' is not 'controlling design' (that is potentially misleading).

## CONTACT

We would welcome the opportunity to further discuss the issues raised in this submission. To do so, please contact:

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