

Attn: Engineers Registration Team
Policy and Legislation Branch A
Building and Energy
Department of Mines, Industry Regulation and Safety
Locked bag 100, East Perth WA 6892

By email: engineers@dmirs.wa.gov.au

Dear Engineers Registration Team

Supporting Policies for Western Australian Building Engineers Registration – 2023 Consultation

The Professional Standards Councils (Councils) are the independent statutory bodies responsible for promoting professional standards and consumer protection through the national system for professional standards regulation. The Councils welcome the opportunity to comment on the draft policies to support building engineer registration in Western Australia.

National consistency

The Councils support policies for assessment entity approval, professional indemnity insurance (PII), Continuing Professional Development (CPD) and codes of conduct that will enhance consumer protection within the built environment sector. These are consistent with the Councils' objectives and priorities. However, as building engineers and the associations who represent them operate nationally, we submit that any policies adopted by Western Australia should not preclude the adoption of nationally consistent policies with similar objectives.

We consider it optimal for policies to be flexible enough to accommodate national frameworks for CPD, insurance standards and codes of conduct, such as those set and enforced by occupational associations through professional standards schemes.

Insurance standards

The Councils note the proposal for registered building engineers and registered building surveyors to hold adequate PII. While the policy principles state that the PII is designed to protect the contractor, the Councils note that the requirement to hold adequate PII also protects consumers. It helps to ensure that funds are available to cover loss or damage to a consumer for which the practitioner is liable.

The Councils agree with the position that to be adequate, a PII policy must cover a reasonable estimate of the liability for consumer's potential losses or damages and be reasonable in scope (including exclusions). However, the Councils note there is a risk in leaving practitioners to determine the adequacy of their PII, given the potential for harm to consumers (who are not adequately compensated for their loss) and the practitioner (who is unable to meet their liability) which can arise from inadequate insurance. Practitioners may also not have the knowledge and experience to determine adequacy and may be incentivised to obtain inadequate insurance through reduced premia.

The Councils note that PII is necessary but not sufficient to protect practitioners and their clients. PII works best when it is coupled with a commitment to develop and implement risk reduction strategies. Professional standards schemes are effective in this regard as associations must set and enforce insurance standards in conjunction with risk management strategies.

The Councils have published guidance on PII standards for associations on their website within the [resource centre](#). This guidance outlines what the Councils will consider when assessing an association's PII insurance standards in determining their eligibility for a scheme.

Assessment entity and registration pathways

The Councils welcome the potential for occupational associations to have an expanded role in assessing an applicant's qualifications, experience, competence and certifying their suitability to be registered as a building practitioner.

However, the Councils note that the proposal does not include a direct registration pathway for members of an occupational association with a professional standards scheme, such as that provided for in New South Wales. The Councils consider such pathways to have significant benefits. They encourage association participation in co-regulatory arrangements and empower occupational associations to drive higher professional standards. They also leverage associations' commitment to uphold their reputation, and that of their members and profession more broadly, to protect consumers.

Continuing professional development

The Councils agree with the proposal to allow CPD requirements to be met through maintaining membership of an association with an approved industry-based CPD scheme. The Councils note that this is expected to include the CPD programs of nationally recognised associations, including the Australian Institute of Refrigeration, Air-conditioning and Heating (AIRAH), Engineers Australia and Professionals Australia. This avoids the risk of practitioners needing to satisfy the different requirements of multiple CPD programs.

The Councils welcome that associations with a professional standards scheme may be recognised for approval as an assessment entity and/or as an industry-based CPD scheme .

We would be pleased to discuss the submission and provide assistance. If you would like to meet, please contact Roxane Marcelle-Shaw, Chief Executive Officer, by telephone on 02 8315 0888 or by email at roxane.marcelle-shaw@psa.gov.au.

Yours sincerely



John Vines OAM
Chair, Professional Standards Councils

16 May 2023