Good afternoon

Please find attached feedback to the Accredited Professionals Scheme Draft (Regulations). Engineers Australia sees this regulation development as an industry opportunity to address perceived shortcomings in certification activity, not the least being an opportunity to expand competition, and in turn enhancing outcomes for consumers.

With specific reference to the four questions posed for consideration in response –

1. **Should industry bodies be allowed to deal with complaints against Accredited Professionals on behalf of the Chief Executive of DPTI?**
   In the first instance, Accredited Professionals against whom a complaint is lodged, should have first right to respond/address. Subject to defined response timeframes, and an ability to escalate the complaint where a resolution can’t be reached, a process of independent review is required. This can start with an industry body, before ultimate escalation to a regulator (or Ombudsman).

2. **Should Accredited Professionals be penalised for failing to participate in audits in accordance with the Scheme?**
   Broadly, yes. However, the audit process must provide sufficient time, and a follow up process where delay is responses is experienced (for a range of legitimate reasons). However, once the full course of that process has been run, and fulfilling audit requirements for Continuing Professional Development have not been met, penalties should apply, including suspension of accreditation until requirements are subsequently met.

3. **Should certificates of currency be submitted as proof of insurance, or is annual self-certification sufficient for this purpose?**
   Engineers Australia supports an annual self-certification that insurance is held, but recommends the appropriate authority retaining the right to call for a Certificate of Currency as requested (for example, to satisfy a complaint or CPD audit matter).

4. **How important is design as a non-mandatory Continuing Professional Development topic compared with other non-mandatory topics?**
   No comment.

Engineers Australia welcomes the opportunity to continue dialogue on this important subject.

Regards

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Engineers Australia feedback to:

Accredited Professionals Scheme

*Draft Planning, Development and Infrastructure (Accredited Professionals) Regulations 2018, and draft Accredited Professionals Code of Conduct*

Engineers Australia
15 October 2018
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Accredited Professionals Scheme – Draft (Regulations)
Pertaining to the \textit{Planning, Development and Infrastructure Act 2016 (PDI Act 2016)}

Draft regulations; Accredited Professional qualifications, experience and technical skills (determined by the Chief Executive under draft Regulation 5), and the draft Accredited Professionals Code of Conduct – published by the Government of South Australia, Department of Planning, Transport and Infrastructure.

Feedback deadline – Wednesday, 17\textsuperscript{th} October 2018

\textbf{Introduction}

Engineers Australia (EA) is concerned that a number of its recommendations appear to have been either overlooked or disregarded from its response (in April 2018) to the \textit{Accredited Professionals Scheme} Discussion Paper issued by the SA Department of Planning, Transport and Infrastructure (DPTI). In particular the EA response was formulated with regard to meeting and adding to benefits of the proposed scheme, as detailed on page 3 of that Discussion Paper –

- Better decisions
- Better recognition of professionals
- More choices for professionals
- More choices for applicants
- Centralised public register for all accredited professionals

We take this opportunity to further justify inclusion of particular tertiary qualified engineers, with specific areas of practice and expertise recognised by EA, as appropriate for inclusion (without planning or building surveying qualification) at all levels of Accredited Professionals (Planning and Building).

EA strongly recommends that \textit{Engineers identified on the National Engineering Register (or other similar Register), with appropriately assessed capability in areas of practice of –}

- \textit{Building Services Engineering}
- \textit{Civil Engineering}
- \textit{Fire Safety Engineering}
- \textit{Structural Engineering}
- \textit{Heritage Conservation Engineering}
- \textit{Subdivisional Geotechnics}

\textit{be determined by the Chief Executive (of DPTI) under draft Regulation 5(2) as meeting the accreditation requirements of all classes described at draft Regulation 5(1)(a-h), and publish qualifications, experience and technical skills required on the SA planning portal.}

EA (nationally and locally) remains available to discuss all aspects of this feedback.
Accredited Professionals – Planning; Building - Determination Framework

Division 2 Part 2 of the Draft Regulations describe the authorised functions associated with Assessment manager, Assessment panel member, Accredited professional – planning level 3, Accredited professional – planning level 4, Accredited professional – building level 1, Accredited professional building level 2, Accredited professional – building level 3, and Accredited professional – building level 4. The associated document then lays out the “Accredited Professional qualifications, experience and technical skills required by the Chief Executive under Regulation 5 of the draft Planning, Development and Infrastructure (Accredited Professionals) Regulations 2018” (Required Qualification, Experience and Technical Skills) for each of the eight Accredited Professional levels (four identified under the category of Planning, and the remaining four identified under the category of Building).

EA contends that Engineers seeking registration as an Accredited Professional through this Act, and falling into the category of Engineers recommended in the Introduction to this feedback, are fully capable of meeting all requirements of the Act and Draft Regulations at all Accredited Professional levels whether or not a “relevant planning or building surveying qualification” is held. That is to say, the engineering qualifications held are seen to be appropriate operational substitutes for the “relevant planning or building surveying qualification”, and should be so recognised under Regulation 5 of the draft, by the Chief Executive.

The attached PDF file (20181010 – Challenging DRAFT Regs – Table) identifies the technical skills and capabilities detailed in the Required Qualification, Experience and Technical Skills draft that are met through both experience and/or qualifications associated with the Engineer categories identified by EA in the Introduction to this paper.

Assessment Manager – Planning Level 1; Accredited Planning Professional – Performance Assessed Development – Planning Level 3; Accredited Planning Professional – Deemed to Satisfy Development – Planning Level 4

Qualifications and experience require “relevant planning qualification”, together with defined minimum experience levels and capability in at least three technical skills, and (following a transition period) demonstration of five core competencies. **EA contends that its recommended categories of included Engineers fully demonstrate attainment of all requirements, irrespective of “relevant planning qualification”**.
Assessment Panel Member – Level 2
Qualification and experience for this category provides for recognition of those seeking accreditation where that person does not hold a “relevant planning qualification”, but instead holds qualification in a “planning related field”. Examples of such fields include architecture, engineering, environmental management, law and construction management. Experience differs to other levels in timeframe requirements, and technical skill requirements have a small range from which to determine, but are a subset of those described for Planning Level 1. In short, this implies the broad acceptance that qualifying Engineers carry sufficient and relevant experience and technical skills required for all Planning Levels (with the possible exception of Planning Level 1, although EA contends they are equally likely to be held).

Accredited Professionals – Building Levels; Level 1 – Building Surveyor; Level 2 – Building Surveyor (Limited); Level 3 – Assistant Building Surveyor; Level 4 – Building Inspector
Qualification and experience require “relevant building surveying qualification”, together with minimum experience levels and evidenced technical skills (restrictions apply within each Level according to experience). EA contends that its recommended categories of included Engineers demonstrate attainment of all requirements, irrespective of “relevant building surveying qualification”.

Areas of Practice – National Engineering Register
Any EA member or non-member applying to join the EA National Engineering Register must satisfy a rigorous assessment process before registration is granted. This process includes –

- Completion of a Work Experience Statement (and must include experience pertinent to the Area/s of Practice under which registration is sought)
- Provision of a Continuing Professional Development record evidencing CPD undertaken in the immediate preceding three years
- Provide two professional referees who can confirm truth and accuracy associated with the applicants work experience claims (these referees will be contacted in order to attest to the claims)
- Evidence the holding of current Professional Indemnity Insurance
- Satisfactorily complete an interview, conducted by a highly skilled and experienced assessor seeking to test and confirm associated claims of the application

In brief, to be approved for registration the applicant must hold and demonstrate –

- Recognised qualification
- Relevant professional experience
- Currency of CPD
- PI Insurance
- Commitment to ethical practice
The skills, capabilities and work experiences of each EA nominated Area of Practice are:

**General Areas of Practice**

**Civil engineering** deals with the design, construction and maintenance of the physical and naturally built environment. Civil engineers generally specialise in one of a number of sub-disciplines.

**Environmental engineering** creates innovative solutions for sustainable development. It is a very broad field in which there are new applications and adaptations of all the traditional disciplines of engineering.

**Structural engineering** draws on engineering skills to understand, predict and calculate the stability, strength and rigidity of built structures. Structures can include buildings, bridges, in-ground structures, footings, frameworks and space frames, including those for motor vehicles, space vehicles, ships, aeroplanes and cranes.

**Special Areas of Practice**

**Building services engineering** applies to the internal environment and environmental impact of a building. Its purpose is to achieve optimal integrated building systems incorporating environmental control and safety provisions for the comfort and well-being of the occupants of the built environment.

**Fire safety engineering** is multidisciplinary having substantial relationships with building services, mechanical, electrical, electronics, chemical, structural and civil engineering and embraces an understanding of human behaviour. It is the application of engineering principles, rules and expert judgement based on a scientific appreciation of the fire phenomenon, of the effects of fire and of the reaction and behaviour of people.

**Heritage and conservation engineering** is an area of practice which requires applications and adaptations of all the traditional disciplines of engineering, together with an understanding of the elementary scientific principles involved which might not be directly referenced in current practice procedures. Practitioners need to be aware of all the phases involved in conservation and the role of other professions such as historians, archaeologists and architects.

**Subdivisional geotechnics** applies specifically to work covered by AS2870 Residential slabs and footings – construction, and AS 3798 Guidelines on earthworks for commercial and residential development. It is for civil engineers whose practice includes geotechnical aspects of subdivisions and the foundation of buildings up to three storeys.
Current Private Certifiers – SA
As at creation of this feedback, there are 94 registered Private Certifiers (registered under regulation 93A of the Development Regulations 2008), and under the Transitional provisions of the “new” regulations, all are taken to be an accredited professional under those “new” regulations. Each will hold the class of accreditation most closely corresponding to the functions or activities authorised via the 2008 regulations.

Of the 94, and based on desktop research by EA:

- Approximately 16% hold engineering qualifications (EA was unable to ascertain whether “relevant planning or building surveying qualifications” are also held)
- Approximately 38% are not domiciled in SA or NT (potentially reducing local competition)
- Approximately 37% are employed by or appear to be contracted to 14 different firms/businesses (implying a tight concentration vis-à-vis the higher relative level of competition implied by 94 Private Certifiers)

Expanding the potential range of Accredited Professionals beyond the current Private Certifier group would appear to directly and positively address the objectives of “more choices for professionals” and “more choices for applicants”. It would also appear reasonable to assume that increasing the potential number of Accredited Professionals, increasing the likelihood of South Australian registrants, and decreasing a level of concentration in a relatively low number of firms/businesses is also likely to be beneficial for consumers, increase the expertise on South Australian specific development conditions and regulations, and increase the likelihood of fee revenue remaining in SA.
Summary and Recommendations
EA welcomes the opportunity to provide further detailed feedback to the Accredited Professionals Scheme Draft (Regulations). Consistent with our earlier response to the Accredited Professionals Scheme – Discussion Paper, EA contends that broadening the qualifications, experience and technical skills required by the Chief Executive, to include qualified engineers registered on EAs National Engineering Register (or equivalent alternative Register), with practice areas of Building Services Engineering, Civil Engineering, Fire Safety Engineering, Structural Engineering, Heritage Conservation Engineering and Subdivisional Geotechnics, at all levels of Planning and Building Accredited Professionals, will strengthen the Accreditation Scheme processes.

Furthermore, it directly goes to support the objectives of better decisions, better recognition of professionals, more choices for professionals, and more choices for applicants.

EA strongly recommends the Chief Executive, under Regulation 5 of the draft Planning, Development and Infrastructure (Accredited Professionals) Regulations 2018, include qualification represented by registration on EAs National Engineering Registration (or other professional body equivalent) with an area of practice including at least one of Building Services Engineering, Civil Engineering, Fire Safety Engineering, Structural Engineering, Heritage Conservation Engineering and Subdivisional Geotechnics, in all levels of Accredited Professionals (Planning and Building).

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For and on behalf of Engineers Australia

15th October 2018
National Engineering Register - Areas of Practice:
Building Services Engineering; Civil Engineering;
Fire Safety Engineering; Structural Engineering;
Heritage Conservation Engineering; Subdivisional
Geotechnics; Environmental Engineering

ACCREDITED PROFESSIONAL QUALIFICATIONS, EXPERIENCE & TECHNICAL SKILLS - REG 5 OF DRAFT PDI (Accredited Professionals) REGULATIONS 2018

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| Accredited Professionals - Building |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |
|-------------------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| Level 1 - Building Surveyor         |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |
| Level 2 - Building Surveyor (Limited) |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |
| Level 3 - Assistant Building Surveyor |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |
| Level 4 - Building Inspector        |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |                     |