

**Submission  
No 37**

## **PROFESSIONAL ENGINEERS REGISTRATION BILL 2019**

**Organisation:** Unions NSW

**Date Received:** 29 January 2020



Mr Alex Greenwich MP  
Chair, Legislative Assembly Committee on Environment and Planning  
By email: [sydney@parliament.nsw.gov.au](mailto:sydney@parliament.nsw.gov.au)

29 January 2020

Dear Mr Greenwich,

**Submission to the Inquiry into Professional Engineers Registration Bill 2019**

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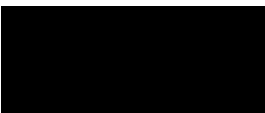
Thank you for the opportunity to make a submission to the abovementioned inquiry.

Unions NSW has had the opportunity to read the submissions made by the Association of Professional Engineers Australia (**APEA**), which is a division of Professionals Australia. Unions NSW wholly supports the position taken by APEA and endorses its well-informed view.

Please find **enclosed** Unions NSW's own brief submission on this issue.

We look forward to making additional contributions to the inquiry process as required.

Yours sincerely,



**Mark Morey**  
Secretary | Unions NSW

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# Unions NSW Submission

## Inquiry into Professional Engineers Registration Bill 2019

29 January 2020

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## Introduction

1. Unions NSW is the peak body for trade unions and union members in New South Wales with over 65 affiliated trade unions and Trades and Labour councils, representing approximately 600,000 workers across NSW. Affiliated trade unions cover the spectrum of the workforce and both the public and private sectors.
2. Unions NSW welcomes the opportunity to make a submission in relation to the Professional Engineers Registration Bill 2019 (**PER Bill**), introduced to the NSW Legislative Assembly (the **Assembly**) by Yasmin Catley MP on 24 October 2019.
3. Unions NSW and its affiliated unions have a proud history of engaging in the legislative process to protect and represent the interests of union members. Unions NSW frequently makes submissions in relation to law making in areas involving industrial relations and other issues which impact on our affiliates and members.
4. Unions NSW supports the submission made to this Inquiry by the Association of Professional Engineers Australia (**APEA**), a division of Professionals Australia, who is an affiliate union of Unions NSW.
5. Like APEA, Unions NSW also supports the concurrent introduction of the Design and Building Practitioners Bill 2019 (**DBP Bill**) introduced by the Honourable Kevin Anderson MP to the Assembly on 23 October 2019. The PER and DBP Bills are complementary and when read together form a comprehensive legislative package which will create a stringent professional engineer registration scheme (the **Scheme**) applicable to engineers working across all forms of building and infrastructure, bringing NSW into line with other comparable state jurisdictions in Australia.
6. This brief submission will provide Unions NSW's perspective and recommendations on the Scheme, including safety considerations and additional opportunities which may arise from the Scheme's implementation.

## Safety

7. The implementation of the Scheme recognises the current unregulated system under which individuals and companies have been able to offer various engineering services has been one of the causes of several highly-publicised incidents and seeks to avoid similar incidents in the future.

8. By creating and enforcing the Scheme, the Government will see a more consistent approach to safe design and work practices in the building and construction industry, resulting in a decrease of work health and safety-related incidents. It is anticipated the decrease in health and safety events will be noticeable during the various phases of construction and once the building or infrastructure is in use by consumers.
9. By extending the Scheme to include rigorous additional standards, such as a requirement to demonstrate compliance with industrial laws, Unions NSW believes firms of accredited professional engineers would be less likely to exploit their employees by underpayment and/or late payment. In effect, the demands of conforming to the Scheme may be a means of removing those participants from industry who are not willing to adhere to the legislative requirements. Unions NSW endorses registration as a necessary additional protection for workers in the construction industry, noting the Australian Building and Construction Commission has failed to prosecute a single employer for shame contracting within the last three years<sup>1</sup>.
10. Unions NSW supports the proposed schemes in the various forms proposed via each the PER and DBP Bills. We also note the support from both sides of Parliament, including the mutual emphasis on the importance of implementing an engineer's registration scheme akin to that implemented in Queensland and supported for implementation by the Victorian and ACT governments respectively. If the NSW government fails to contemporaneously enact a professional engineers registration scheme, we risk becoming a destination for under-qualified or otherwise undesirable people seeking work where they can operate within less stringent rules.

## Opportunities and Recommendations

11. Unions NSW recommends the Assembly support the Scheme as a means of regulating and cultivating the successful continuation of the building and construction sector. Any obligations imposed on engineers to maintain their registration are no more onerous than those imposed on professions with similar liability implications such as lawyers, architects and medical professionals, who have analogous conditions in respect of ongoing education and conduct.
12. APEA's commendation of a co-regulatory model is supported by Unions NSW to allow engineers to operate seamlessly across state borders. Unions NSW also recognises the Scheme may

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<sup>1</sup> Ewin Hannan, "ABCC defends focus on pursuing unions", The Australia (22 January 2020) <<https://www.theaustralian.com.au/nation/politics/abcc-defends-focus-on-pursuing-unions/news-story/b6290507335c02c736b6b35ab279028d>>

strengthen the offering Australian engineers may present abroad, as the standards are similar to those of professional engineers in many other nations.

13. In addition, the Scheme may be promoted to the public in such a way that it presents an opportunity for the rebuilding of public confidence in the construction sector generally, following high-profile incidents in NSW that were found to involve engineering faults which had been certified. To this end, it may also be beneficial to promote the consistency of the Scheme with those in place in neighbouring states.
14. Mandating the accreditation of professional engineers via the implementation of the Scheme is also an opportunity to create mechanisms to reduce the likelihood of construction and infrastructure projects from experiencing delay and going over budget at taxpayers' expense. For example, as part of the Scheme, Parliament may elect to mandate certain other accreditations be held by engineering firms in relation to financial and quality management.
15. Other potential benefits offered by the implementation of the Scheme include the creation of new jobs to operate the governing body and assessment board, and the opportunity for engineering professionals who conform with the Scheme to reduce their insurance premiums upon providing proof of compliance.
16. In developing the Scheme, Unions NSW recommends the following:
  - (a) professional engineers subject to the Scheme be required to provide proof of satisfaction of their continuing professional development requirements on a periodic basis, rather than being subject to random audit;
  - (b) the Scheme include an adequate disciplinary procedure such that the reputation of the Scheme is not compromised and those subject to the Scheme have an opportunity to remedy their practice in the event of misconduct or error;
  - (c) a public record of professional engineers compliant with the Scheme is maintained, akin to the "Find A Lawyer" function on the Law Society of NSW website; and
  - (d) a government regulatory body is formed to oversee the work of private assessment boards. This will encourage competition between providers and create additional jobs.

## Conclusion

17. Unions NSW recognises the bi-partisan support for the PER Bill and DBP Bill and commends the cooperation demonstrated so far. We urge the Assembly to enact both Bills and push for a registration scheme to be enacted which encompasses the stipulations of both.

18. In the view of Unions NSW, the DBP Bill by itself does not offer broad enough protection to the NSW construction industry, nor does it adequately respond to the pressing need to strengthen and preserve a profession so closely linked to the development, innovation and preservation of our society. If a registration scheme is developed in conjunction with the PER Bill, the NSW Parliament has the ability to make our state a model jurisdiction on this issue.
19. In introducing their respective Bills to the Assembly, both Yasmin Catley MP and the Honourable Kevin Anderson MP cited the industry itself is calling for the Scheme and has advocated a willingness to engage in it. Unions NSW supports the Scheme which presents an opportunity for NSW workers to lead the nation to a safer, more efficient, and consumer-focussed future in the construction of buildings and infrastructure.