



**NSW Government response to the final report from the Legislative Assembly Committee on Environment and Planning on the Professional Engineers Registration Bill 2019 (report 1/57 - July 2020)**

The NSW Government welcomes the Legislative Assembly Committee on Environment and Planning's (**the Committee**) final report on the Professional Engineers Registration Bill 2019 (**Final Report**). While the Government notes a number of findings have been made by the Committee, this response does not seek to pass comment on those findings, instead, it responds to the specific recommendations made by the Committee. The Government supports all recommendations put forward by the Committee.

The Government is committed to implement major reforms that continue to raise the standards of the NSW building and construction industry, particularly those in the residential building sector. The appropriate regulation of engineers will provide greater consumer confidence in the end construction result, increase industry standards and ensure professionals are competent.

The Government has commenced work to implement the *Design and Building Practitioners Act 2020* which establishes a registration system for engineers as well as other critical design practitioners within the building and construction industry. In response to the Committee's findings, the Act:

- legislates to allow for the recognition of an engineer registered by a professional body that is accepted by the Secretary of Customer Service (section 55),
- requires engineers to be adequately insured (section 33), and
- creates a mechanism for the review of decisions made by the regulating authority in relation to removing, cancelling or suspending registration, or cautioning or reprimanding engineers (section 63).

The NSW Government would like to again thank the Committee for their final report and reiterate its commitment to providing a safe and high standard building and construction sector in NSW.

January 2021



**NSW Government response to the Committee recommendations from the Final Report (July 2020)**

Committee recommendation	NSW Government response
<p><b>Recommendation 1</b> That when considering the statutory review of the <i>Design and Building Practitioners Act 2020</i>, the NSW Government should consider this report's findings and recommendations on the scheme to register engineers.</p>	<p>Supported.</p> <p>The Government will consider the final report's findings and recommendations as part of the statutory review of the <i>Design and Building Practitioners Act 2020</i>.</p>
<p><b>Recommendation 2</b> That the NSW Government releases details of regulations made under the <i>Design and Building Practitioners Act 2020</i> for quick and targeted consultation before they are made.</p>	<p>Supported.</p> <p>The Government has commenced targeted consultation with key stakeholders to inform the development of a draft Regulation.</p> <p>The Government will undertake broad public consultation on the draft Regulation in Q4 2020.</p>
<p><b>Recommendation 3</b> That the NSW Government consults with other jurisdictions on the implementation of registration of engineers, to ensure consistency with other states.</p>	<p>Supported.</p> <p>The Government continues to work with other jurisdictions to ensure registration consistency across jurisdictions to the greatest extent possible. Where differences apply, this will be communicated to affected stakeholders and the community.</p>
<p><b>Recommendation 4</b> That the NSW Government consults with the local government sector on the implementation of registration of engineers.</p>	<p>Supported.</p> <p>The Government will continue to actively engage the NSW local government sector on registering engineers.</p>
<p><b>Recommendation 5</b> That a broad-scale registration scheme should include geotechnical and hydraulic engineering.</p>	<p>Supported in principle.</p> <p>Subject to further consultation with industry, the Government will consider the inclusion of geotechnical and hydraulic engineering as a class of engineering requiring registration under the proposed Regulation.</p>

Committee recommendation	NSW Government response
<p><b>Recommendation 6</b> That a broad-scale registration scheme should require engineers to show cause why the regulating authority should not start an investigation, except if it would prejudice the investigation or put a complainant at risk of harassment or intimidation.</p>	<p>Completed.</p> <p>Section 65 of the <i>Design and Building Practitioners Act 2020</i> implements this recommendation. Under this section, the Secretary of Customer Service can invite the practitioner to show cause of why they should not be served disciplinary action. There are also appropriate safeguards in place that allow the Secretary to commence disciplinary action immediately if it is in the public interest to do so.</p>
<p><b>Recommendation 7</b> That the regulating authority in a broad-scale registration scheme should provide information about the reasons for proposed disciplinary action to engineers, so they can respond to a notice to show cause.</p>	<p>Completed.</p> <p>Under section 66 'Disciplinary action that may be taken by the Secretary' of the <i>Design and Building Practitioners Act 2020</i> the Secretary must provide a written statement of the disciplinary action including the decision made, the date and time on which the decision takes effect (if applicable) and the grounds for the decision.</p> <p>If an engineer disagrees with the disciplinary action, they can have the decision reviewed by the Civil and Administrative Tribunal under section 68 of the Act.</p>
<p><b>Recommendation 8</b> That the NSW Government considers what powers should be available to regulators who monitor the building sector, and license or register professionals in the sector.</p>	<p>Completed.</p> <p>The <i>Design and Building Practitioners Act 2020</i> and <i>Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020</i> provide the Secretary of the Department of Customer Service and the NSW Building Commissioner with extensive investigation and enforcement powers to oversee the building sector.</p>