



Wednesday, December 8, 2021

Building and Construction Policy Team  
NSW Government Customer Service

AIRAH appreciates the opportunity to comment on the Draft Design and Building Practitioners Amendment (Recognition of Professional Bodies of Engineers) Regulation 2021. As a professional body that offers an accreditation pathway for HVAC&R building services engineers, we are particularly interested in this amendment.

AIRAH supports the approach taken, and believes that through the penalties proposed, the amendment will improve compliance and strengthen the Design and Building Practitioners Regulation.

In terms of the penalties, AIRAH advocates for a consistent approach across jurisdictions. We would encourage the Building and Construction Policy Team to look at already established systems as a guide, particularly when professional bodies will typically operate across state and territory borders.

AIRAH believes that penalties should be commensurate to any breaches of the rules; however, it is also worth noting that many organisations acting as professional bodies are not-for-profits or charitable organisations, acting in the interests of industry. If the size of the penalties exceeds the professional bodies' capacity to pay, such bodies may be effectively eliminated from this space, and the amendment may weaken the system, rather than strengthening it.

Reading through the amendment, there was also some confusion about the terminology used around penalty units in Schedule 1, and the values listed with the penalty notice offences in Schedule 5. We believe that these values constitute "penalty units", but a clearer definition would have made the document easier to read.

Finally, as mentioned in previous correspondence, AIRAH encourages the NSW Government to consider "grandfathering" arrangements that would provide alternative competency assessments for professional engineers who began working before today's qualifications were available. The measures could be temporary, and AIRAH would be pleased to provide guidance on the kinds of criteria that should be considered. Such provisions would ensure the valuable knowledge and experience held by some of our leading workers is retained and can be passed on to coming generations.

We applaud the work the NSW Government is doing to restore confidence in the building and construction industry through professional registration of engineers, and look forward to being involved in the next steps of this process.

Regards,

A handwritten signature in black ink, which appears to read "Anthony Gleeson".

Tony Gleeson, M.AIRAH  
AIRAH Chief Executive