



Speech by

CHRISTINE SMITH

MEMBER FOR BURLEIGH

Hansard 22 October 2002

ARCHITECTS BILL; PROFESSIONAL ENGINEERS BILL

Mrs SMITH (Burleigh—ALP) (4.04 p.m.): I rise in support of the Architects Bill and the Professional Engineers Bill. In particular, I want to comment on the aspects of the bills that deal with issues under the national competition policy. As noted by the Minister for Public Works and Minister for Housing in his second reading speech, the existing Architects Act 1985 was the subject of a national competition policy review carried out by the Commonwealth Productivity Commission. A national review of state and territory legislation regulating architects was carried out rather than a state based review due to the similarity of legislation across Australia.

The Productivity Commission's report was reviewed by a working group of the states and territories and a draft response was prepared on behalf of all jurisdictions. The working group rejected the Productivity Commission's primary recommendation to deregulate the practice of architecture but recommended adoption of the commission's alternative approach which was primarily applicable to jurisdictions like Queensland which require all building practitioners to be registered. The alternative approach included such matters as winding back restrictions on ownership of practices, winding back restrictions on titles relating to architecture and promoting transparency and accountability of architects boards and disciplinary processes.

The working group provided practical advice on implementation issues, having regard to consistency of approach across all jurisdictions, and made recommendations allowing for standards to be set for the provision of architectural services to give protection to consumers while allowing for business opportunities to be pursued both in Australia and overseas. The working group recommended support for the continued regulation of the profession whilst removing anticompetitive measures not found to be in the public interest. The bill implements the working group's recommendations in the Queensland context.

The review of the Professional Engineers Act 1988 was conducted under the national competition policy legislation review program approved by Queensland Treasury. This program requires the conduct of a public benefit test in relation to legislation that restricts competition and assessment of the net public benefit/detriment of the legislation and alternatives to that legislation. Presently, all professional engineers in Queensland are required to be registered. Assessment for registration is conducted by the Board of Professional Engineers of Queensland in accordance with requirements set out in the legislation. The NCP review concluded that there would be a net public benefit by the adoption of a co-regulatory regime under which engineers seeking registration in Queensland would be assessed by a professional association accredited by the Board of Professional Engineers of Queensland or a similar body.

The process envisaged in that report of the steering committee for the review was that professional associations would assess engineers under government approved criteria. This approach is adopted in the Professional Engineers Bill, as it is in the Architects Bill, whereby the qualifications and competency of applicants for registration will be assessed by an accredited assessment entity before being considered by the board. It is anticipated that utilising professional organisations to assess competency both for initial registration and on yearly re-registration will enhance the registration process and raise the level of assurance for engaging a registered professional engineer.

The bill adopts the review report's recommendation of retaining disciplinary processes within the government rather than leaving this to the private sector. This is a key point of departure from the industry based registration system favoured in other states and territories and enables disciplinary processes to be conducted by the Queensland Building Tribunal, an independent and accountable body. This process will provide greater assurance of the continuing competency of registered engineers. An example of the removal of anticompetitive measures resulting from the NCP process is that the Architects Bill and the Professional Engineers Bill have both eliminated all corporate registration requirements. Under the Architects Act 1985, the Board of Architects approves architectural companies. Similar provisions apply under the current Professional Engineers Act 1988. Under the new bills, only individual architects and professional engineers will be registered.

The bill contains provisions requiring offices to be staffed with registered persons and other measures to enhance consumer protection in dealing with architects and engineers. The architects NCP report highlighted the need for accessible and independent disciplinary processes and expansion of disciplinary action to include incompetent performance. Under both the architects and professional engineers bills, the already independent process under the Queensland legislation is enhanced by transfer of disciplinary processes to the Queensland Building Tribunal. The grounds for disciplinary action have been expanded to include unsatisfactory professional conduct, which includes conduct that demonstrates incompetence and which is broader than the current misconduct in a professional respect.

The specific assessment criteria for registration of architects and engineers and related matters, such as requirements for the adoption of a code of practice and continuing professional development, will be established by regulation. It is understood that any NCP implications arising from the regulations will be dealt with at this time. The result of the NCP reviews is that the bills retain a strong and competitive registration scheme for architects and professional engineers whilst removing business registration and other requirements which have not been justified as being in the public interest. I commend the bill to the House.
