

Continuing Professional Development for Builders and Plumbers Consultation Paper

Master Builders Victoria submission: 24 July 2020

Introduction

Master Builders Victoria ('MBV') is the leading voice in building and construction and welcomes the opportunity to provide input into the Continuing Professional Development for Builders and Plumbers Consultation Paper.

MBV represents approximately 8,000 stakeholders from across the building and construction industry, including large and small builders and tradespeople across the domestic and commercial sectors, as well as apprentices, suppliers and manufacturers.

With more than 140 years of experience, MBV delivers meaningful industry representation by harnessing feedback from our board of directors, committees, as well as our members more broadly through member engagement workshops and surveys.

MBV supports the introduction of a mandatory continuing professional development program for registered building practitioners and has advocated for its introduction for many years. We consider that it is important for continued safety and quality outcomes within our industry and for registered building practitioners to maintain their skills and qualifications over time.

MBV supports the introduction of **Option 3: Introduce CPD requirements with a mixture of compulsory and non-compulsory subjects**. We note that this option will provide quality benchmarks for key areas like technical and legislative compliance while also providing flexibility for the practitioner to study subjects that accords with their business needs.

This submission will discuss this further using the consultation questions as a guide.

1. Consultation questions

1.1 Are you aware of any additional areas of poor practitioner performance for building and plumbing practitioners? If so, please describe and provide any evidence if available.

Findings from the VBA proactive inspection programme and VCAT/DBDRV hearings, along with VMIA statistics, would be an appropriate tool to determine areas of poor practitioner performance. Nevertheless, MBV members have provided anecdotal evidence of poor performance in technical and legislative compliance. Waterproofing and wet area compliance are regularly cited as key areas where poor practitioner performance exists.

1.2 Of the performance issues identified, what do you think are the root causes of the non-compliance?

The overarching cause is the lack of consistent education and training provided across the industry over key areas of building work. An understanding of legislative and technical requirements for building work is not shared across all industry participants and results in inconsistent quality outcomes. Members have also raised confusion over whether they are compliant or not, noting that some areas of regulation are open to interpretation.

The following are some factors that have resulted in the above:

- The drawings that form part of a building permit and contract often lack the necessary detail for the builder and associated trades to construct building work without referring to manuals or the Australian Standards.
- There is a lack of deemed to satisfy (prescriptive based compliance measures) included in the NCC.
- Prerequisite studies to become a draftperson/architect/designer does not sufficiently emphasise compliance with the legislative requirements of the Australian Standards, NCC, or Building Regulations.
- There is too much emphasis on requiring building surveyors to change poor practices in the industry. While building surveyors play an important role in quality assurance, ultimately improved training and delivery of information is needed across the industry.
- Lack of access at no cost to the Australian Standards is a barrier to the circulation of information critical to compliance for those carrying out the works. It is an inconsistency and hinderance to compliance and quality that the NCC can be downloaded at no cost, but the Australian Standards referred to in the NCC cannot. Currently one Australian Standard can cost between \$150 and \$300 and most projects would require reference to and knowledge of approximately 10 Standards.
- Lack of mandatory trades registration and CPD.



1.3 Are you aware of any CPD courses already available that target any of the performance issues identified? If so, please specify.

We understand that good quality CPD courses are limited in available in the industry. However, several providers already deliver structured training that contribute to CPD, including, but not limited to: industry associations (i.e. MBV, BDAV, HIA, SPASA), government agencies (Fair Trading, ABCB, Consumer Affairs, VBA), adult education centres, TAFEs, RTOS, and universities).

1.4 If your organisation is a registered training provider, what is your level of interest or capacity to develop courses that build knowledge and skills in the performance issues raised?

Through our industry RTO, Master Builders Training Institute (MBTI), MBV can offer a variety of training options that are flexible and responsive to suit member needs as part of their CPD. MBV can provide accredited courses at a Certificate IV and Diploma level based on direct feedback regarding industry needs, as well as non-accredited, broad-based training and short courses in areas like OHS compliance, business management, and sustainability. It is important that any CPD training is industry relevant and being an industry RTO, MBV can provide this.

MBV also manages the Building Leadership Simulation Centre (BLSC), a state-of-the-art training facility that provides simulation learning. In addition, MBV also delivers additional broad-based learning to members and non-members through a variety of means including trade nights, conferences, seminars, magazines, emails, and workshops. Indeed, the popularity of our CPD activities among our members cannot be overstated, as evidenced in our delivery of over 50 events and 20 workshops each year on average. Under the current social distancing measures as a result of the COVID-19 pandemic, we have been able to deliver them online, illustrating our ability to flexibly adapt to industry needs.

1.5 Do you support Option 1? Why or why not?

We do not support Option 1. MBV has long supported the introduction of a mandatory CPD program to improve quality in the industry and this is in line with the recommendations of the Building Confidence report. By maintaining the status quo as noted in Option 1, there will not be genuine quality improvements in the industry. Maintaining the status quo also does not provide a framework for practitioners to more readily keep pace with legislative and technical changes relevant to their scope of work.

1.6 What do you consider the key risks and benefits of Option 1?

We view that adopting the status quo as prescribed in Option 1 risks building practitioners not being able to maintain or develop the required knowledge and understanding to deliver their permitted scope of work.



1.7 Do you have any other comments about Option 1?

Feedback from members provided insight into why some building practitioners in the industry may support this Option to maintain the status quo. This feedback suggested that less committed and engaged practitioners may resist the need to continue to upskill, but that this was not to the benefit of the industry or consumers.

1.8 Do you support Option 2? Why or why not?

We do not support Option 2 because we note that for certain scopes of work, there is validity in making key subjects compulsory in a mandatory CPD program. The inclusion of compulsory subjects allows for consistency across the industry and ensure genuine quality improvement in technical and legislative compliance.

1.9 Which proposal do you prefer?

- a) prescribing general CPD subjects through regulations; or
- b) not prescribing any CPD subjects through regulations, and instead leave the selection of courses entirely to the discretion of the practitioner?

We support the proposal to prescribe general CPD subjects through regulations. However, we do not support the mandatory completion of specific courses delivered by a particular provider. Prescribing general CPD subjects through regulations will provide structure for the building practitioner regarding the subjects they should be undertaking, while also providing flexibility to gain CPD points in other areas of relevance for their business. However, we note that the prescribed general CPD subjects should be relevant to the registered building practitioner’s scope of work. As such, consideration should be made on whether a new schedule is required in the *Building Regulations 2018* that prescribe mandatory CPD training relevant to each category of registration.

1.10 If you prefer prescribing general CPD subjects, do you agree with the proposed subject list? What other subjects do you think should be prescribed? Please provide reasons.

We agree that the proposed list in the consultation paper encompasses subjects that are relevant to improving compliance and therefore quality. Within the proposed list, we emphasise the importance in prescribing subjects that relate to technical compliance, occupational health and safety, and legislative compliance. We therefore recommend that the CPD subjects that are legislated be limited to:

- Legislative compliance
- Technical compliance
- Occupational health and safety.



Indeed, the ABCB's Building Confidence Report Implementation Team has focused significantly on the need to implement NCC knowledge as part of mandatory CPD across all Australia's states and territories. As such, this should be in mind when developing a mandatory CPD program for Victoria.

We recommend that there should be scope for building practitioners to then select from a range of topics within these legislated subject areas. Examples of this range of topics could include:

- Contract management
- Fire safety matters
- Waterproofing matters
- Site drainage and foundation maintenance
- Building notices and orders
- Protection works
- Performance based compliance – performance solutions
- Building product safety and compliance

1.11 Overall, what do you identify as being the key risks or benefits of Option 2?

As Option 2 does not provide compulsory subjects, the key risks are the lack of suitable controls to ensure the mandatory CPD program is risk based or subject matter relevant for the scope of building work.

1.12 Do you have any other comments about Option 2?

Some building practitioners enjoy the flexibility in being able to choose subjects based on their need.

1.13 Do you support Option 3? Why or why not?

We support Option 3: Introduce CPD requirements with a mixture of compulsory and non-compulsory subject areas. Legislation, building codes and standards set out benchmarks for compliance and enable the quantification of compliance in the industry. Ensuring some level of well targeted, compulsory subjects is the best practice model and will ensure building practitioners maintain and improve their level of knowledge to deliver better quality outcomes in building work.

1.14 Do you support the proposal to prescribe technical compliance as a compulsory subject for all building and plumbing practitioners? Or do you think this should be limited to certain categories/class of building/plumber practitioner?

We support the proposal to prescribe technical compliance as a compulsory subject area for all building and plumbing practitioners. We note that the content for technical compliance should be catered towards the building practitioner's class and permitted scope of work. It is reasonable to suggest for



example, that a Building Surveyor Unlimited would require a broader understanding of legislative and technical practices than that of a Domestic Builder Unlimited (DB-U) or a Commercial Builder Unlimited (CB-U). Likewise, it is reasonable to suggest that a DB-U or a CB-U would have a broader understanding of it than a DB-L in landscaping for example.

1.15 If technical compliance was a compulsory subject, what formats of learning do you think would be most beneficial for building knowledge and skill? For example, hands-on training, online modules, independent study etc.

We advocate for the provision of a combination of formats which could include hands-on training, online modules, independent study, and face-to-face modules, to adapt to the needs of all participants. However, there should also be focus towards online modules to facilitate learning to accommodate a range of participants, such as participants in regional Victoria. This can be done through video conferences, a format of learning which has been proven capable of delivering online learning under the COVID-19 pandemic.

1.16 Do you agree with the proposal to introduce compulsory technical compliance training firstly for building surveyors and gasfitters? If not, why not?

We do not agree with this proposal and instead, view that such training should be introduced to all building practitioners. By over emphasising the role of the building surveyor for quality assurance over other building practitioners, consistency of quality in building work cannot be obtained in the industry. Responsibility for technical compliance and quality of work needs to be shared by all building practitioners, and therefore the responsibility to undertake relevant ongoing compliance training should be shared by all building practitioners.

1.17 Do you agree that the courses being developed by the ABCB on the NCC should be compulsory? If not, why not?

While we agree that training in this subject area should be compulsory, we do not agree that it should just be delivered by the ABCB. Industry associations like MBV, are already delivering training on the NCC that provides for CPD points and responds to industry need so is therefore well positioned to provide such CPD training as well.

1.18 If your organisation is a registered training provider, would you be interested in developing other targeted compliance training courses for gasfitting practitioners?

This subject is not within MBV's core area of expertise and this compliance training would be best developed by the relevant industry association for this building practitioner group.



1.19 What other subjects do you think should be compulsory? Please provide reasons

We recommend that the CPD subjects that are legislated as compulsory be limited to the following list, as these are areas where poor performance outcomes have been identified as being prevalent:

- Legislative compliance
- Technical compliance
- Occupational health and safety.

We recommend that there should be scope for practitioners to then select from a range of topics within these legislated subject areas. The following list, while not exhaustive, shows examples of topics that could be undertaken within the legislated CPD subject areas, dependent on the building practitioner registration:

- Contract management
- Hand over process
- Business administration
- Dispute resolution
- Occupational Health and Safety systems
- Applying for a building permit
- Building notices and orders
- Documenting inspection process
- Protection works
- Performance based compliance
- Assessment of building product safety and compliance
- Fire safety
- Waterproofing
- Site drainage and foundation maintenance
- Sustainability
- Design



1.20 Overall, what do you think are the key benefits and risks of Option 3? Please provide reasons.

The key benefits of Option 3 will be ensuring quality consistency across the industry and consumer confidence. A mix of compulsory and non-compulsory subjects means that there would be quality benchmarks for key areas like technical and legislative compliance while also providing flexibility for the building practitioner to study subjects that accord with their business needs.

However, we do note risks associated with the possible imposition of additional costs on to the building practitioner. As such, it is important that the delivery of CPD training is offered to a variety of providers to prevent one singular provider monopolising it and causing significant cost increases to building practitioners. Such providers should be VBA “approved” to deliver CPD activities and training and would be based on a Guidance Policy that outlines the criteria for the approval of CPD providers. As an industry RTO, Master Builders Victoria is subject to rigorous government auditing and reporting requirements and therefore the VBA would not have to do work in addition to those requirements. Under the VBA Guidance Policy, industry RTOs like MBV would automatically be deemed acceptable CPD providers.

Other than formal training providers, there are a range of providers who deliver unstructured activities and would be equipped to deliver CPD activities. These include, but are not limited to, industry associations, suppliers, manufacturers, legal firms who deliver workshops, trade nights, information sessions, and tours. These providers could apply to the VBA to become CPD providers under the Guidance Policy.

MBV considers that the provision of VBA “approved” providers of CPD is important to ensure that the industry does not revisit the emergence of recalcitrant CPD providers. This has been seen in some other jurisdictions. We consider that having no entry requirements for CPD providers is not in the best interest of building practitioners as they may undertake CPD activities with providers who are later determined to be inappropriate. As such, this risk building practitioners losing money, time, and learning incorrect information that could endanger their business operations A lack of trust and engagement in the CPD program is a further risk and one that would be difficult to address.

MBV also recommends that to support both the success of a mandatory CPD system and the practitioners now required to take part in it, fundamental resources such as Australian Standards should be available to registered practitioners at no cost. If this is not provided as part of the roll-out of mandatory CPD, there is risk of the new requirements being perceived by building practitioners as causing unreasonable financial burden and having a negative impact on practitioner engagement.

1.21 Do you have any other comments about Option 3?

We note the importance of reducing administrative burden for building practitioners when they undertake reporting requirements for a mandatory CPD program. As such, there should be consideration towards the development of a one-stop shop online portal that connects to regulators, registered training providers, and building practitioners as part of the recording of CPD points. We note that this notion is supported by the Victorian government’s Small Business Regulation Review into the



construction sector, in which the Review highlighted digital technologies as having a key role in its proposed reforms to simplify compliance requirements for businesses.

We also emphasise on the importance of undertaking mandatory CPD on a periodic basis as part of the renewal of a building practitioner's registration to ensure the continuation of quality outcomes.

Conclusion


MBV supports the introduction of a mandatory continuing professional development program for registered building practitioners and has advocated for its introduction for many years. Along with mandatory trade registration, we believe that the introduction of mandatory CPD will ensure improved safety and quality outcomes in the industry, along with a greater sense of accountability among building practitioners.

MBV will continue to make available our industry expertise to assist government in developing a mandatory CPD program that caters to the needs of the building and construction industry while providing key quality benchmarks to ensure quality outcomes in building work.



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