

Building Practitioners Board



POLICY TITLE:	PERFORMANCE REPORTING SYSTEM		
POLICY NO.:	BPB-011		
EFFECTIVE DATE:	12 March 2008	REVIEW DATE:	January 2015

Purpose of Policy:

Section 14(1)(a) of the *Building Act* (Functions and Power of the Practitioners Board) provides for the establishment and maintenance of a system of performance reporting on building practitioners to ensure that information on past performance is available and able to be taken into account when assessing the competence of building practitioners.

Section 24F of the *Building Act* sets out the matters of which the Board needs to be satisfied in order to consider an applicant (individual, firm and corporation) for renewal of registration. These matters are –

- (a) that the applicant, or in the case of a corporation, all the persons concerned in the management or conduct of the corporation, are fit and proper;
- (b) that the applicant or, in the case of a corporation, at least one person as in (a) has the relevant qualifications and experience determined by the Minister in relation to the particular category of building practitioner specified in the application;
- (c) that the applicant, at least one of the persons as in (a), or in the case of a corporation, at least one person as in (a), has complied with the continuing development requirements determined by the Minister in relation to the particular category of building practitioner specified in the application;
- (d) **that the applicant (individual and corporation) has been shown by performance reporting to have performed satisfactorily;** and
- (e) that the applicant (individual and corporation) has complied with the prescribed conditions, if any.

There is no definition of 'performance reporting' in the *Building Act* or subordinate legislation. The details of performance reporting, in particular what information is to be provided as part of a System of Performance Reporting under the Act has been left to the Board to determine.

As such, the Board has adopted the following Policy which outlines the System of Performance Reporting to provide the Board with the information it considers necessary to satisfy sections 24F(1)(d), 24F(2)(c), 24F(3)(c) and 24F(4)(c) of the *Building Act* when considering applications for renewal of registration by all building practitioners.

Supporting Policies/documents:

Board Policy BPB-010 Registration Policy for Building Contractors



Policy:

In order to be satisfied that an applicant for registration as a building practitioner has been shown by performance reporting to have performed satisfactorily pursuant to section 24F(d) of the *Building Act*, the Practitioners Board will require each applicant to provide the following information:

1. Provide a project list detailing the individual projects the practitioner has been involved in over during the period of their registration (previous 2 years); and
2. Responses to the following questions in the Past Performance Section of the Application Form specifically relating to matters of professional conduct which will provide an indication of past performance relating to those building projects during the period of their registration (previous 2 years) as detailed in the applicant's project list (see point 1) -

The following questions apply to you as an individual practitioner or in the case of a firm, any of the persons by whom the firm is constituted, or in the case of a corporation, any of the persons concerned in the management or conduct of the corporation. Please tick YES or NO in answer to each question to the best of your knowledge.

- | | YES | NO |
|---|--------------------------|--------------------------|
| 1. <i>In the past two years, have you been party to a dispute concerning building work with any client or subcontractor in any court proceedings (whether in Australia or elsewhere) or through the Office of Consumer and Business Affairs or the Department of Justice Community Justice Centre?</i> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. <i>In the past two years, have you been party to rapid adjudication proceedings under the Construction Contracts (Security of Payments) Act (or equivalent in Australia or elsewhere)?</i> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. <i>In the past two years, have you received notification from the Director of Building Control concerning a complaint pursuant to section 29 of the Building Act (or equivalent in Australia or elsewhere)?</i> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. <i>In the past two years, have you been the subject of an audit conducted by the Director of Building Control pursuant to section 34B of the Building Act (or equivalent in Australia or elsewhere)?</i> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. <i>In the past two years, have you been the subject of an investigation or inquiry concerning building work (or equivalent in Australia or elsewhere)? Please include an investigation or inquiry by a professional body such as Australian Institute of Building Surveyors, Engineers Australia, Australian Royal Institute of Architects or associations such as Territory Construction Association or Housing Industry Association.</i> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. <i>In the past two years, has any claim against your services been allowed by the Home Building Certification Fund (or an equivalent fund in Australia or elsewhere) or by your professional indemnity insurer?</i> | <input type="checkbox"/> | <input type="checkbox"/> |

If you answered YES to any of the above questions, please provide a summary of the circumstances in each case. Where a matter has concluded, please provide full details of the circumstances and the outcome.

If the answer to questions 3 to 6 reveals a matter as yet undetermined, the Registrar will not include the details of the matter in the papers provided to the Board for consideration of the application. The applicant will be notified by the Registrar that:-

“The Board noted the existence of an unresolved matter as disclosed in the application form but did not make any enquiry and made its decision without regard to the circumstance. The matter may however be taken into account in the future at the conclusion of the matter.”

Adopted by the Building Practitioners Board



.....
Chairperson

5.3.13

.....
Date