

BPB-011: Performance Reporting System

Purpose

Section 14(1)(a) (Functions and Power of the Practitioners Board) of the *Building Act 1993* (the Act) 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.

Sections 24EA and 24F of the Act sets out the matters of which the Building Practitioners Board (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 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 24EA(1)(c), 23EA(2)(c), 24F(1)(d), 24F(2)(c) of the Act when considering applications for renewal of registration by all building practitioners.

Supporting policies/documents

Building Act 1993

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 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) -

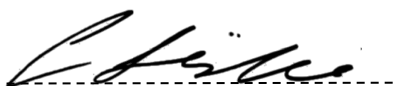
To assist the Building Practitioners Board all applicants are required to comply with section 24F(1)(d) of the Building Act 1993 by reporting on satisfactory past performance. If you have answered yes to any of the questions below, please provide details and copies of all relevant documentation. **Note:** the below questions apply to you as an Individual and/or as a Nominee if you are the registered nominated practitioner for a Northern Territory company registration.

1. In the past three 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 Affairs, Commissioner of Residential Building Disputes, or the Community Justice Centre?
2. In the past three years, have you been party to rapid adjudication proceedings under the Construction Contracts (Security of Payments) Act 2004 (or equivalent in Australia or elsewhere)?
3. In the past three years, have you received notification from the Director of Building Control concerning a complaint pursuant to section 29 of the Building Act 1993 (or equivalent in Australia or elsewhere)?
4. In the past three years, have you been the subject of an audit conducted by the Director of Building Control pursuant to section 34A of the Building Act 1993 (or equivalent in Australia or elsewhere)?
5. In the past three 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 the Australian Institute of Building Surveyors, Engineers Australia, Australian Royal Institute of Architects or associations such as Master Builders Association or Housing Industry Association.
6. In the past three years, has any claim under your professional indemnity insurance, or under a Residential Building Cover Scheme (or an equivalent scheme in Australia or elsewhere) been allowed or rejected?

If you answer YES to any of the above questions, you must 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 Board will note the existence of an unresolved matter as disclosed in the application form but will not make any enquiry and make its decision without regard to the circumstance. The matter may however be taken into account in the future at the conclusion of the matter.

Reviewed and adopted by the Building Practitioners Board



Craig Leslie

Chairperson

15 August 2024