

Department of Government Services
35 Collins St
Melbourne Vic 3000

25 July 2025

CIVIL CONTRACTORS FEDERATION VICTORIA

Submission to the Victorian Government's Statutory Review of the Professional Engineers Registration Act 2019 (PERA)

1. Introduction

Civil Contractors Federation Victoria appreciates the opportunity to make the following submission to the Statutory Review of Victoria's Professional Engineers Registration Act 2019 (PERA).

Civil Contractors Federation Victoria ('CCF Victoria') is the peak representative body for the civil construction industry in Victoria. We are industry working for industry; representing civil contractors across the construction supply chain, from tier 1, 2, 3 and 4, SMEs and one-person ABN holders.

Our industry is responsible for the construction and maintenance of Victoria's civil infrastructure, including roads, rail, bridges, water supply, pipelines, drainage, ports, and utilities.

As a Strategic Adviser to Government on the civil construction industry, CCF Victoria has the knowledge and authority to promote, cultivate, and advance positive and relevant civil construction industry policy in Victoria, for the benefit of all Victorians, by working collaboratively with all stakeholders.

It is important to note that any reforms that impact the civil construction industry, positively or negatively, may also have flow-on effects for the Government's infrastructure delivery agenda, the state economy and the Victorian community.

2. Key Submission Points

This submission is based on only the DGS survey questions which most directly relate to civil construction:

Q11: Do you supervise unregistered engineers or are you supervised?

Q14: How does the use of prescriptive standards operate in practice in your workplace?

Q15: Do you have any feedback on how prescriptive standards could be improved?

These are not directly applicable to Civil Contractors Federation Victoria, as we are an industry association; however, a number of our members will be subject to these considerations.

Our industry employs a diverse workforce including registered engineers, early-career professionals, engineering technicians, and site-based construction personnel. For the PERA to succeed in upholding professional standards and enforcing compliance without hindering productivity or innovation, the regulatory framework must be not only risk-proportionate and technically clear **but also properly communicated.**

CCF Victoria supports the intent of the PERA, that is: to protect the public by ensuring that professional engineering services are delivered by suitably qualified individuals and, equally, that unregistered engineers are required to work under the **direct supervision** of registered engineers.

However, along with industry association colleagues, we believe a fundamental issue with the PERA is the **lack of awareness of the Act** among unregistered engineers, non-engineers and other professionals with an interest or stake in the role of engineers. This creates potential, significant risks for stakeholders including the Government, engineering and construction service providers and the community.

Of further concern is the heightened risk created by actual breaches of the Act, inadvertently or otherwise.

Key Issues:

- Low or no awareness of the Act or obligations on civil contractor workers and their employers, particularly those engaged in engineering related works.
- Civil construction employers may be exposed to legal liability in relation to obligations on them to ensure their staff and/or subcontractors are not in breach of the PERA¹. This may extend to include:
 - Corporate HR managers who are responsible for recruitment marketing and hiring engineering professionals, as well as facilitating or approving continuous professional development for company personnel;
 - Procurement teams who are directly responsible for procuring engineering services and/or construction services with an engineering design and construct component;
 - Project managers and field staff.
- There is the potential for confusion across the civil supply chain because the compliance requirement is not about who you are but about what you do. Even in occasional or infrequent situations, if the required works fall into the definition of an engineering service, construction personnel need to be guided by a professional registered engineer.
- Supervising engineers bear potential legal and professional liability for work over which they may have only procedural—not technical—oversight.

¹ [IPWEA Victoria Information Sheet \(Maddocks, 3 July, 2025\)](#)

3. Prescriptive Standards – Section 3.7

Prescriptive standards are vital to the civil construction industry, where a large proportion of work is conducted under well-established methods and codes (e.g., Austroads, AS/NZS standards, VicRoads specifications), including under the direct supervision of appropriately qualified professional engineers.

Specific examples adhered to by civil contractors may include the Infrastructure Design Manual (IDM), produced by the Local Government Infrastructure Design Association (LGIDA); drawings produced by the Melbourne Retail Water Agencies (MRWA), or the Engineering Design and Construction Manual (EDCM).

Key Issues:

- The current definition of a prescriptive standard lacks practical guidance for identifying eligible standards.
- There is uncertainty about whether widely used civil specifications (such as earthworks compaction or pavement thickness design tables) meet the four-part test of a prescriptive standard.
- Ambiguity in the exemption framework creates risk for both organisations and individuals operating in good faith.
- Low or no awareness of the Act or obligations on civil contractor workers and their employers, particularly those engaged in engineering related works.

Recommendations:

- That the DGS broadens the interpretation of “prescriptive standards” to explicitly include common government and industry specifications that are repeatable, codified, and pose low risk.
- That the DGS publishes a *reference list or register* of accepted prescriptive standards relevant to the civil engineering and construction industry in Victoria, updated periodically by CAV in collaboration with industry bodies.
- That the DGS allows industry organisations (e.g. Engineers Australia, Civil Contractors Federation) to propose standards for inclusion on this list through a formalised submission process.
- That the DGS adopts a *tiered model of supervision* that reflects task complexity and risk. This would allow for a graduated approach to oversight (from general oversight to detailed review).
- That the DGS clarifies in legislation or regulation that “direct supervision” may include structured review processes (e.g., documented design checks, risk-based audits) rather than continuous physical presence.
- That the DGS defines reasonable limits on a supervising engineer’s liability when due diligence, documentation, and governance processes are followed.
- That the PERA includes a clear requirement for consistent, regular communication of the Act to all stakeholders, not just the engineering fraternity, led by the DGS as the responsible Government entity.

Broader Industry Position

The civil construction industry is committed to the highest standards of engineering practice and supports efforts to improve public safety and professional accountability. However, these reforms must reflect the *operational realities* of a sector that is field-driven, multidisciplinary, and heavily reliant on technical standards and standardised procedures.

We strongly encourage the Department of Government Services to adopt reforms that:

- Embrace a *risk-based approach* to registration and supervision.
- Reduce ambiguity in definitions through clear, practical guidance.
- Recognise the role of established industry standards and norms in maintaining safety and quality.

Such targeted reforms will not only ensure the integrity of major projects and public infrastructure construction works but also reduce significant project risks and legal exposure that could otherwise drive up substantial costs to Victorian taxpayers.

Conclusion

We thank the Department of Government Services and the Minister for Consumer Affairs for undertaking this important review. We urge the review panel to engage further with industry stakeholders to develop amendments and clarifications that strengthen the Act's impact without introducing unnecessary extra costs or administrative burden on our civil contractors.

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