

# Kamra tal-Periti

Minutes of the Annual General Meeting of the Kamra tal-Periti for 2022 held Monday, 5<sup>th</sup> of December 2022 at 17.30 at St James Cavalier, Valletta.

## **AGENDA**

Registration  
Reading and Approval of Minutes AGM 2021  
Reading and Approval of Minutes EGM 2022  
President's Report  
Matters arising  
New Code of Professional Conduct  
Principles for the Regulation of the Kamra tal-Periti  
Presentation and Approval of Accounts  
Motions  
Elections  
Concluding remarks

## **MINUTES**

Perit Andre Pizzuto opened the meeting, welcoming the members present. He presented a motion, seconded by Perit Lara Brincat, to amend the agenda, removing the item 'New Code of Professional Conduct', since this had not been circulated. A vote was taken, and the motion was approved by show of hands.

### **Reading and Approval of Minutes AGM 2021**

The minutes of the previous AGM, held on 15<sup>th</sup> February 2022 were made available on the Kamra's website and all members had received a link to these minutes by email. Perit Andre Pizzuto presented a motion, seconded by Perit Damian Vella Lenicker for the minutes to be taken as read and approved. A vote was taken, and the motion was approved by show of hands.

### **Reading and Approval of Minutes EGM 2022**

The minutes of the EGM, held on 26<sup>th</sup> May 2022 were made available on the Kamra's website and all members had received a link to these minutes by email. Perit Andre Pizzuto presented a motion, seconded by Perit Toni Bezzina for the minutes to be taken as read and approved. A vote was taken, and the motion was approved by show of hands.

### **President's Report**

Perit Andre Pizzuto, President of the Kamra, addressed the members attending:

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He referred to the recent most recent tragedy on a construction site, and its dire consequences on those immediately involved and on the wider society. He blamed it on a system which has stagnated due to the resistance of those with vested interests to the reforms which are needed and which the Kamra has been promoting since 2007. The consequences of this are not only the tragic deaths and injuries but also a poor quality of life, a dismal built environment and a profession in distress.

Nevertheless, some change is taking place albeit extremely slowly. The new Periti Act that was fully approved by Parliament now requires only a legal notice in order to come into force. This Periti Act was passing through the parliamentary process concurrently with the BCA Act, also critical for our industry and our profession. This was a very intense period, and he thanked the Council and particularly Perit Simone Vella Lenicker for their support

During this term the Council conducted a series of internal reforms within the Kamra to be better placed to meet the new obligations the Periti Act as well as respond effectively to current challenges. These included:

- Increasing the frequency of Council meetings to once a week.
- New Standard Operating Procedures for dealing with conduct complaints.
- The setting up of a number of Permanent Committees each with its own agenda and initiatives. These are the Permanent Committee on Architecture, the Permanent Committee on Engineering, the Permanent Committee on Planning, the Permanent Committee on Property, and the Permanent Committee on Business and Practice Management. Two more are planned, one on Heritage and another on the Environment. Perit Pizzuto presented in detail some of the initiatives being undertaken by each of the Permanent Committees.

He then listed other tasks undertaken by the outgoing Council including:

- Planning of an online journal with articles related to the built environment
- Representation of the profession in various international bodies, including ACE, ECCE, UIA, UMAR, and CAA. During the year the Kamra hosted the first post-COVID in-person General Meeting of ECCE in Valletta, with the support of the Ministry for Public Works and Planning and the Ministry for Gozo.
- Representing the profession in meetings held with the Government, public authorities, and other stakeholders.
  - Following the motion approved in the EGM setting a deadline for the licensing of contractors, at the end of October, Minister Zrinzo Azzopardi presented the first ideas and today the Council received the draft legal notice covering the first phase of the registration and licensing of contractors.
  - Addressing serious administrative problems which arose within the Warranting Board. Here he thanked our representatives on the Warranting Board, Prof. Torpiano, Catherine Galea and Toni Bezzina for their work.
- Rebranding of the Kamra to mark the new responsibilities it will be taking on through the new Periti Act and give it an identity that better reflects the social and cultural aspirations of today

Perit Pizzuto then pointed out some issues which are currently being tackled or need to be tackled by the Council:

- Fees for Rent Regulation Board valuations have been arbitrarily capped at €500. This will be taken up with the Ministry of Justice.
- Agreement on a Call for Court Experts with specific terms of reference and a course for periti wishing to become court experts.
- Revision of Tariff K. Although it is no longer mandatory it is still used as a reference especially by the courts
- Setting up by the Kamra of a Dispute resolution service providing arbitration services at a fee.

He closed by mentioning the failure of the Council to hold the Galizia awards during this term as a major regret. He hoped it could be held again by the incoming Council as one way of recognizing excellence in the profession.

The full text of Perit Pizzuto's address is annexed to these minutes.

### **Matters Arising**

An open discussion was held, with interventions taken from the floor. The following are some of the points raised:

- Perit David Pace noted that a directive had been issued by the Civil Courts to the effect that professional fees for divisions would be capped at €2000 irrespective of the number of properties in the estate. This also should be taken up with the Justice Ministry
- The point was raised that when a perit reneges on a project, it still bears their name, and it is their name which is shown on the Planning Authority website as the responsible perit. This can lead to reputational harm. The PA claim that they cannot do anything unless a change-of-perit form is submitted, however the Karma could request that the system is changed so that in such cases it is indicated that the perit has resigned.
- Profs Alex Torpiano spoke about the possibility of making information about construction site failures available as an aid to periti in their practice. He has noted a pattern in recent cases: incompetence and lack of skills on the part of contractors and, in the case of professionals, a lack of understanding of concepts such as slenderness leading to basic errors especially in masonry construction. Obviously, details cannot be given about cases which are still sub-judice, but perhaps some kind of forum can be created for addressing these problems even before decisions are taken in court. Perit Simone Vella Lenicker stated that this should be a priority. The point is not naming and shaming but a forum for sharing case studies so that we can learn from each other. Perit Jeanette Muñoz Abela noted that the Engineering Committee was planning such a forum as well as developing a system of evaluating risk and at all stages of construction for different structure types.
- Perit Andre Pizzuto noted that there is a pattern in conduct cases. Many of the complaints are related to periti cutting corners and periti bending over backwards to satisfy clients.

- Profs Alex Torpiano distinguished between the legal liability and the professional liability of the perit. It is important to communicate to the Industry what is happening irrespective of fault. The materials have not changed much but the typologies are changing. Perit Ivynne Grixti stated that there are some basic contractor faults which are common. It was also pointed out the even communicating with the contractor can be problematic. Profs Torpiano remarked that the perit is not the contractor's policeman, but the Courts do not accept this. AP stated that this is why the legislation must change and the expectations of the Courts and the public also need to change. SVL noted that Government entities will always try to save face. It is up to periti to demand their rights and stay strong behind the demands, not only as Council but with the backing of the profession.
- Perit Tony Fenech Vella noted that periti are lumped with bureaucratic responsibilities which are not truly their own and this interferes with the real work of the perit such as being on site.
- Perit Matias Camilleri de Marco stated that if the contractor on site cannot be trusted then the perit must take a decision. Perit Toni Bezzina agreed. If there is no licenced mason on site, then he stops works. Perit Lara Brincat remarked that it is important to stand your ground even if it means resigning. Perit Ondre Camilleri Gaglione stated that periti must be clear about what they are responsible for, and what to accept or not. If the site requires another competent person to be present, then we should insist on it. Profs Torpiano insisted that we must move away from the idea that one perit can do everything. We must make space for other periti to take other roles such as STO, project management, etc. Periti are the only ones who understand construction and we should not abdicate anything. If we do, someone else will fill the void.
- Perit Andre Pizzuto noted that, in line with a legal notice issued on the 1<sup>st</sup> of September, the licencing of contractors will come into force on the 15<sup>th</sup> of December. A provisional licence will be issued to contractors who register, and a full licence will be issued after a two- or three-year period of training.
- Perit Pizzuto also pointed out that the public perception of the Profession is generally negative. It is always the perit's fault. There is a question of whether the outcome of conduct cases should be made public. He is not against it, but the current policy is not to publicise.

### **Principles for the Regulation of the Kamra tal-Periti**

Perit Andre Pizzuto proposed points to be considered in the forthcoming revision of the Kamra's regulations:

- Council Elections and how they are conducted.
- The term of the Council. The current regulations specify a one-year term, and this will be the basis of this year's election. There was a period where a previous AGM had approved a staggered two-year term for Council members.
- Remuneration to Council Members and Permanent Committees for certain activities.
- Publication of Conduct Decisions.

An open discussion was held, with interventions taken from the floor. The following are some of the points raised:

- Profs Alex Torpiano: The staggered two-year term had been brought in to ensure continuity while also bringing in new blood. The vice-president for the previous two years was automatically president for two terms and then continued for a further two years as non-voting past-president. The amendments to the regulations had not been accepted by the Minister but the Kamra had adopted them anyway. He proposed that the staggered election system be retained for continuity and that the president should be someone who has been vice-president before.
- Perit Andre Pizzuto: With regards to the term, 3 years would be more realistic since the first two years are spent building networks which you do not then have time to exploit. Any new president should already have been on Council.
- Perit Ondre Camilleri-Gaglione proposed a three-year term as anything longer would discourage potential candidates. Membership should be staggered with three members elected each year.
- Perit David Pace agreed with the need for the Kamra to update its structures but asked about the process for doing so. Perit Andre Pizzuto replied that an EGM would be held to decide on the new Code of Conduct and Regulations.
- Perit Joe Calleja: Associations like the Kamra appoint a CEO to handle the day-to-day work. This would take some of the workload off the Council and ensure continuity. It doesn't have to be a perit. Perit Andre Pizzuto replied that the previous Council had employed Kevin Borg at a high salary, but this hadn't worked out because he still needed continuous input from Council members. This happened with other employees also. The situation is currently like a startup. Council members are doing everything, and this is not sustainable. The question is how to manage the transition: How to train employees in understanding the issues, since most of the work involves policy, not just administration. Profs Alex Torpiano: The point about remuneration is a valid one although this should be only for specific roles and for a specific period. Remuneration could be considered for Council members, or one member of Council could be employed as an executive.

### **Presentation and Approval of Accounts**

Perit Ivynne Grixti, treasurer of the Kamra, presented the accounts for the year ending 30th September 2022. He noted that it was a good financial year. The Income and Expenditure account showed a profit of €40,000 for the year, compared to a loss of €8,000 the previous year. The increases in income were from Membership fees, Events and Activities, and Sponsorships from Government entities. Expenditure was less than that of the previous year. The auditing of the accounts is still pending and will be forwarded to the members once it is completed.

Perit Ivynne Grixti presented a motion, seconded by Perit Andre Pizzuto, for the Accounts to be approved. A vote was taken, and the motion was approved by show of hands.

Following that, a motion was put forward to reappoint Mr. Andrew Ellul as Auditor for the Kamra. The motion was also approved by show of hands.

Finally, a motion was put forward to reappoint Mr. Anthony Cassar as Administrative Secretary of the Kamra. The motion was also approved by show of hands.

### **Motions**

No motions were proposed from the floor.

### **Council Elections**

An election of the members who are to form the Council of the Kamra for 2023 was held in accordance with the Regulations of the Kamra, S.L.390.01, wherein the whole of the Council is up for re-election. There were eleven nominations for the ten vacant positions.

A committee, composed of the President, Andre Pizzuto, the Honorary Treasurer, Iyvynne Grixti, and two paid members, Professor Alex Torpiano and Perit Tano Zammit, was set up to count the votes. The votes of the members present were collected and counted.

These are the results of the election as a percentage of valid votes:

Andre Pizzuto	95%
Matias Camilleri de Marco	88%
Damian Vella Lenicker	76%
Duncan Muscat	76%
Iyvynne Grixti	74%
Adrian Mangion	71%
Dr Rebecca Dalli Gonzi	71%
Nicholas Mallia	69%
Sebastian Grima	67%
Philip Farrugia	64%
Toni Bezzina	57%

The first ten members in the above table were declared elected and will form the new Council of the Kamra.

### **Concluding Remarks**

Perit Andre Pizzuto thanked the members for their presence and urged them to contribute to the Kamra's work throughout the year.