

Kamra tal-Periti Extraordinary General Meeting 2018

8th November 20178

Mount St. Joseph, Targa Gap, Mosta

The EGM was opened by Perit Simone Vella Lenicker (SVL), who started the session by putting forward a motion, seconded by Perit Amber Wismayer (AW) providing for the 2018 AGM to be held on January 10, 2019.

The motion was approved unanimously by show of hands.

SVL introduced the scope of the meeting, which was called to discuss the Kamra's position on the White Paper regarding the setting up of the Building and Construction Authority (BCA), issued for public consultation. She stated that the Council is generally in favour of the proposed Authority, especially as it presents an opportunity to separate planning from the regulation of construction. She noted that the Council is also pushing for the adoption of modern building regulations, appropriate for the technologies and practices of today.

Perit Andre Pizzuto (AP) then presented the conclusions of the Kamra's working group (WG) on Building Regulations. He introduced the members of the working group, co-ordinated by himself. He gave an outline of the document prepared by the group, and a detailed account of the fourth chapter which comprises a draft framework for the Building Regulations. The full report and presentation are attached to these minutes as an annex.

Profs Alex Torpiano (AT) then raised the following points:

- It is incorrect for the Profession to be lacking proper building regulations. It results in periti carrying a burden of responsibility which should not be theirs to carry, and beyond that carried by professionals in other countries.
- As a profession, we must make a choice. What do we want to offer? Planning Applications? Or buildings which are technical solutions meeting expected standards?
- With regards to Building Regulations, is the prescriptive approach to be retained or can we move towards a functional/performance based approach?
- In general, the Council supports the idea of the proposed BCA. It is appropriate to consolidate the various agencies. The Council agrees in principle but encourages the Kamra's members to be involved in the details to ensure that it is implemented correctly.

The meeting then continued as an open discussion. The following are the main points which were raised:

Perit Jesmond Mugliett (JM) raised the concern that there seem to be two processes: one initiated by Government and one initiated by the Kamra. He questioned whether the objectives the same, and also inquired regarding the timeframes. If the implementation is too lengthy, there is a risk of people and objectives changing. Consequently, he continued, it is necessary to prioritise regulations. AT replied that he is not sure whether the objectives of

the two processes are aligned. The Kamra's document has not yet been presented, however the Council has decided to be involved in the process from the very beginning, rather than react to developments, and the Government seems open to this. With regards to timeframes, AT noted that the process could be faster but a lot has already been done.

Perit Philip Grech (PG) stated that the document prepared by the WG is a good step forward and should be presented as soon as possible so that it can give direction to the process. In his opinion, the White Paper has a different approach. AT replied that this is why the Council wants to be involved from the very beginning, however it was necessary to consult the profession first. SVL noted that it is the members of the Kamra who have the necessary expertise to draft the Building Regulations. However, ultimately, the objectives will only be reached if the BCA is provided with the necessary resources.

Perit Kevin Bencini (KB) pointed out the importance of appropriate exemptions for smaller projects. AT agreed and said the document could be amended accordingly to clarify this.

Perit George Pullicino (GP) made the following comments: i) he stated that the timeframes being mentioned were not realistic: this in light of his experience with the Periti Act; ii) regarding the matter of Building Regulations, he noted the importance of considering smaller offices and single practitioners; iii) he felt unsure regarding whether performance-based regulations (as opposed to prescriptive regulations), are in fact the most practical solution locally, and suggested a comparison with similar small countries; and iv) he emphasised the importance of the structure of the organisation which administers the Regulations.

In response AT made the following comments: i) with regards to the Periti Act, the Kamra has done all that was required of it — i.e. the Council has prepared a draft, which has been agreed to by the KTP members, and which also has the blessing of the Commission; ii) with regards to office size, he noted that the majority of practices in Europe are one or two person operations, which still follow building documentation practices because they find that it is helpful to them; iii) with regards to prescriptive vs performance based regulations, AT suggested that, in practice, a hybrid system could be adopted with 'deemed to satisfy' clauses; iv) he concluded that, if these changes are not made, the training of the perit in solving practical issues related to construction is useless and the profession will likely not survive.

Mr. Cliff Goodenough (CG) recounted an experience in which he had inspected a new hotel which, in his opinion, was not in compliance with fire safety requirements. He noted with major concern, that several large building will be built in the near future without the proper regulations in place.

Perit Chris Mintoff (CM) stated that it is difficult to work as a professional in the absence of proper building standards, not only to prevent tragedies but in order to achieve excellence.

Perit Mannie Galea (MG) stated that building regulations are an ongoing process, and that changes are already evidenced in relation to the BRO, OHSA etc. He noted that all changes bring challenges, and emphasised the importance of being involved in these changes since the perit carries much responsibility. He felt that the Government's perspective on Building Regulations is likely to be very different from that of the Profession, so the Kamra must be attentive in its negotiations and strong in the positions that it takes.

Perit Claude Mallia (CMa) stated that the way in which our proposals are presented to Government is important. There has to be a clear simple path to implementation. If not, Government may hesitate because of the perceived complexity and possible costs.

AT thanked those present for their contribution and support. He emphasised that all comments have been noted and will be duly considered, and encouraged additional comments to be submitted to the Kamra via email.

The meeting was closed.