



**ACT**  
Government

# Registration Scheme for Professional Engineers

CONSULTATION PAPER

# Acknowledgement of Country

*Yuma. Dhawura nguna ngurumbangu gunanggu  
Ngunnawal.*

Hello. This country is Ngunnawal (ancestral/spiritual) homeland.

*Nginggada dindi dhawura Ngunnawalbun  
yindjumaralidjinyin.*

We all always respect elders, male and female, as well as Ngunnawal country itself.

*Mura bidji mulanggaridjindjula.*

They always keep the pathways of their ancestors alive.

*Naraganawaliyiri yarabindjula.*

They walk together as one.

The Environment, Planning and Sustainable Development Directorate acknowledges the Ngunnawal people as Canberra's first inhabitants and Traditional Custodians. We recognise the special relationship and connection that Ngunnawal people have with this Country. Prior to the dislocation of Ngunnawal people from their land, they were a thriving people whose life and culture was connected unequivocally to this land in a way that only they understand and know, and is core to their physical and spiritual being. The disconnection of the Ngunnawal people from Culture and Country has had long lasting, profound and ongoing health and wellbeing effects on their life, cultural practices, families and continuation of their law/lore. The Environment, Planning and Sustainable Development Directorate acknowledges the historic dispossession of the Ngunnawal people of Canberra and surrounding regions. We recognise the significant contribution the Ngunnawal people have played in caring for Country as for time immemorial they have maintained a tangible and intangible cultural, social, environmental, spiritual and economic connection to these lands and waters.

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# Overview

The ACT Government is establishing a registration scheme to regulate professional engineering services in the ACT.

People and companies who engage engineers under the scheme should be able to have confidence that those engineers have the necessary qualifications and experience to provide those engineering services.

The ACT's proposed approach outlined in this paper has been developed in consultation with professional engineers' associations and has been carefully reviewed alongside the key elements of schemes in other states. A list of the questions asked in this document is provided at [Appendix 1](#). An overview of the key elements of the ACT's proposed scheme is at [Appendix 2](#).

The key elements of the scheme covered in this Consultation Paper include:

- a. Definition of professional engineering services
- b. Areas of engineering to which the scheme will apply
- c. Eligibility criteria for registration and renewal
- d. Role of assessment entities
- e. Ongoing obligations on registered engineers
- f. Regulatory oversight including the role of the Professional Engineering Registrar
- g. Public register

Mandatory registration of professions allows for benchmarks to be set with regards to qualifications, experience, competency and ongoing requirements for conduct and continuing professional development.

Registration has many benefits including:

- a. providing increased information about practitioners to the public, consumers and employers
- b. setting minimum qualification and experience requirements to give confidence to consumers that professional engineers are capable and qualified
- c. setting ongoing conduct and professional development requirements to give confidence that engineers must meet standards of practice and stay up to date with their training and skills
- d. giving regulators the ability to:
  - i. determine who can provide certain services in the first place
  - ii. take appropriate action in instances of breaches of requirements.

The ACT's proposed approach is intended to be responsive to potential risks and associated harms to the community in the provision of engineering services both in and beyond the building and construction sector.

The scheme will be administered by a Professional Engineering Registrar (the Registrar) who will be an ACT public servant appointed by the Director-General of the ACT Government Directorate responsible for the Act (currently the Environment, Planning and Sustainable Development Directorate).

## Why is the ACT introducing a registration scheme for professional engineers?

Engineering services are purchased by governments, large and small businesses, and individual consumers. In the absence of any statutory requirements for licensing or registration, consumers are limited in their ability to measure the competency of an engineer they are seeking to engage.

There can be significant risks to community overall from the provision of engineering services where an individual attempts to undertake work without the adequate skills or competencies. Potential risks arising can include the following:

- a. **Health:** through such things as badly designed or 'sick' buildings (poor air-conditioning, rising damp, low natural light levels). Beyond the building sector, health effects can include things such as contaminated drinking water and other environmental incidents.
- b. **Safety:** through the collapse or other significant failure of buildings or through the failure of hazardous services such as gas, electricity or mechanical works.
- c. **Economic:** involving financial costs such as design and construction costs, litigation expenses, lost production and rectification costs.

## Who will have to be registered?

The scheme will make it mandatory for senior professional engineers providing professional engineering services to be registered if the services are provided:

- a. in a prescribed area of engineering in the ACT, and/or
- b. in a prescribed area of engineering, from a location outside the ACT, but the services are for the ACT; for example, provided for a project or purpose in the ACT, and/or
- c. from a location in the ACT for work undertaken outside the ACT.

Mandatory registration will not apply to all engineers, only senior professional engineers.

**The scheme will only apply to senior engineers responsible for developing or overseeing the development of engineering designs, as opposed to practitioners who are carrying out work in accordance with prescribed standards.**

**This will allow junior engineers or engineers yet to meet qualification, experience or competency criteria to still practice but under the supervision of a registered engineer. This is consistent with the approach adopted in other jurisdictions.**

Engineers working under the direct supervision of a registered practising engineer or only in accordance with a prescriptive standard will not be required to be registered. The model whereby senior engineers are responsible for the supervision of others and giving final approval to designs is already an existing and widespread practice within the engineering profession.

It is proposed that the scheme will initially only apply to the following five areas of engineering:

- Civil
- Structural
- Mechanical
- Electrical
- Fire safety

Further areas may be added to the scheme in the future.

There are approximately 3,800 engineers providing professional engineering services in the ACT. It is estimated that approximately two thirds of those engineers may be affected by the introduction of a mandatory registration scheme.

**Registration will only be available to individuals. The reason for this approach is to create a direct relationship between individuals providing engineering services and the criteria for registration.**

## What are ‘professional engineering services’?

Subject to consultation, the ACT Government is proposing the following definition:

**Professional engineering services** means an engineering service that requires or is based on the application of engineering principles and data to:

- a design relating to engineering, or
- to a construction, production, operation or maintenance activity relating to engineering,

other than an engineering service that is provided only in accordance with a prescriptive standard.

A **prescriptive standard** means a document that states procedures or criteria:

1. for carrying out a design, or a construction, production, operation or maintenance activity, relating to engineering; and
2. the application of which, to the carrying out of the design, or the construction, production, operation or maintenance activity, does not require advanced scientifically based calculations.

The definition is based on that in the Victorian and Queensland schemes. Using the same definition in the ACT will support national consistency.

Professional engineering services are a narrower subset of engineering services and are characterised by the application of mathematics and scientific principles, judgement, knowledge and skill required to provide these services.

Providing a professional engineering service involves giving advice or assistance and/or undertaking work for a client or an employer.

A professional engineering service includes the design, development and analysis of systems, applications and equipment relating to construction, production, operation or maintenance. A person who performs a professional engineering service for a client or an employer is responsible for applying engineering principles, data and specialist knowledge of mathematical and natural sciences to their work, consistent with the attributes and competency profile as referenced in the International Professional Engineers Agreement (Washington Accord).

Advanced scientifically based calculations include the science and mathematics calculations that are required for real world engineering applications and include:

- modelling – translating given physical or other information and data into mathematical form, into a mathematical model (a system of equations including differential equations or some other algebraic expression)
- solving – obtaining the solution by selecting and applying suitable mathematical methods and/or models (including computational), and in most cases doing computational analysis on a computer
- interpreting – understanding the meaning and the implications of the mathematical solution for the original problem in terms of physics – or wherever the problem comes from.

## Question

1. **Do you foresee any concerns with the definition of professional engineering services proposed to be used in the ACT scheme?**

## Scope of works within each area of engineering

The ACT Government is proposing the following scopes of work for each of the initial proposed five categories of engineering to be registered.

It will ultimately be the responsibility of a professional engineer to apply the descriptions to the professional engineering services they intend to undertake to determine whether, and in which area/s of engineering, they need to be registered to offer those services.

In practice, a registered engineer will have one registration, but it may cover several areas of engineering.

### Civil

Civil engineering involves the research, design, construction and maintenance of the natural and built environment. This may include:

- structures (including those made from steel, concrete or timber), for example, roads, railways, bridges, airports, pipelines, dams, canals, harbours, dockyards, towers and buildings
- analysing the likely behaviour of soil and rock when placed under pressure and designing above and below ground natural or built structures or foundations
- environmental impacts; for example, transport, urban development and municipal services, resource protection of building and construction of other infrastructure and service industries

- hydraulic supply and waste systems.

## **Structural**

Structural engineers research, design, predict and calculate the stability, strength and rigidity of built structures.

Structural engineering primarily deals with the research, design, construction, monitoring, maintenance, rehabilitation and demolition of permanent and temporary structures. Structures include buildings, bridges, in-ground structures, footings, large tanks, silos, mining structures and various plants, and frameworks and space frames.

Structural engineering can be a specialisation within civil engineering.

## **Mechanical**

Mechanical engineers research, design, construct, analyse, manufacture and maintain devices, machines and mechanical structures and mechanical systems.

This may include mechanical equipment, cranes, weigh bridges, lifts, conveyors, air conditioning plants, production plants, ventilation systems, hoppers, pipelines, wind turbines and manufacturing systems.

It also involves the production and usage of heat and mechanical power for the design, production, and operation of systems, machines and tools.

Some of the main areas of focus within mechanical engineering are:

- acoustic engineering
- aerospace and aeronautical engineering
- equipment engineering (including automotive and manufacturing)
- piping engineering
- structural analysis engineering.

## **Electrical**

Electrical engineers research, design, develop, manufacture and maintain equipment, devices, plant and systems that use electricity, electronics and electromagnetism.

These activities can apply to electricity generation, transmission, distribution, electrical installations in buildings and on industrial sites, electrical equipment manufacture, instrumentation and control system applications in industry, communications networks, electronic plans and equipment, and also the integration and control of computer systems.

Some of the main areas of focus within electrical engineering are:

- power engineering



- control engineering
- electronics engineering
- telecommunications engineering (such as signal processing, signalling and communications and radiofrequency engineering).

## Fire safety

Fire safety engineers apply scientific and engineering principles, rules and expert judgement based on an appreciation of the fire phenomenon, the effects of fire and the reaction and behaviour of people.

Fire safety engineering in the context of the registration scheme relates mainly to the building industry. Fire safety engineers working in the building industry develop holistic fire safety strategies and integrated fire safety designs that identify all the fire safety measures required to meet the fire safety related performance requirements of the National Construction Code (NCC) to save life, protect property and preserve the built environment from destructive fire, through proper design, construction arrangements and use of building materials.

Fire safety engineering is multidisciplinary in nature, having substantial relationships with building services, mechanical, electrical, electronics, chemical, structural and civil engineering and embraces an understanding of human behaviour. However, a fire safety engineer who provides professional engineering services relating to fire safety that spans multidisciplinary areas will only be required to be registered in the area of fire safety engineering.

## Questions

2. Do you agree that these are the five initial areas of engineering that should be incorporated into the ACT scheme? If not, what areas do you think should be removed or included instead?
3. Do you support civil and structural engineering being identified as separate areas of engineering? Do you think structural engineering is more appropriately a sub-set within the area of civil engineering?

## Eligibility criteria

To be eligible for registration, an applicant must:

1. be an individual
2. have the required qualifications and experience, relevant to each area of engineering for which the applicant has applied to be registered
3. be fit to practice as a registered professional engineer in each area of engineering for which the applicant has applied to be registered
4. not be subject to disqualification or cancellation of registration as a professional engineer under the legislation, or a corresponding law

## Qualifications, experience and competency requirements

The ACT scheme will require any application for registration to include a report from an approved assessment entity about an applicant's qualifications, experience and competency that is relevant to each area of engineering for which the applicant has applied for registration.

To give effect to this, it is proposed that the ACT scheme will prescribe the following qualifications and experience requirements:

### Qualifications

A Washington Accord accredited undergraduate Bachelor of Engineering degree or postgraduate Master of Engineering degree in the relevant area or areas of engineering in which registration is sought.

OR

An Australian or overseas non-Washington Accord academic qualification in a relevant area or areas of engineering that has been assessed as substantially equivalent to an accredited Washington Accord undergraduate Bachelor of Engineering degree or a post-graduate Master of Engineering degree.

### Experience

Five years of experience working in the relevant area or areas of engineering with at least four years being post-graduate. Experience must have been gained in the last 10 years unless an approved assessment entity assesses that the applicant meets the competency requirements and is competent to provide professional engineering services without direct supervision.

### Competency

Demonstrated competency in the following eight elements of competence from the '[Australian Engineering Competency Standards Stage 2: Experienced Professional](#)' in a relevant area/s of engineering:

- Element 1 – Dealt with ethical issues
- Element 2 – Practice competently
- Element 3 - Develop safe and sustainable solutions
- Element 6 – Identify, assess and manage risks
- Element 7 – Meet legal and regulatory requirements
- Element 13 – Local Engineering knowledge, according to their area of practice including a knowledge of standards and practices
- Element 14 – Problem analysis
- Element 15 – Creativity and innovation

### Alternative pathways

Where an applicant does not meet the qualifications, experience or competency requirements, it is proposed that alternative pathways to registration be available. The alternative pathways would allow

evidence to be provided that the individual has the skills and knowledge required and meets the required competency standard.

The inclusion of alternative pathways is to accommodate those practitioners:

- who have taken a non-traditional university pathway to becoming an engineer such as, career practitioners who may have started with a technical or trade qualification but whom have over many years, through work experience, and other training developed the skills and experience that allows them to perform functions and offer services equivalent to that of a professional engineer
- who have taken time away from the workforce and thus cannot meet the requirement that experience must have been gained in the last 5 to 10 years.

Example of an alternative pathway:

A report from an approved assessment entity that indicates the applicant has relevant skills and experience that have been determined by the Minister as appropriate for registration as a professional engineer in the area of engineering for which registration is sort. Any determination would be in the form of a disallowable instrument.

## Engineers working in the Building and Construction Sector

Special requirements are proposed to apply to a professional engineer working in the building and construction sector. These are in addition to the general eligibility requirements listed above and must also be met to provide professional engineering services in the building and construction sector.

It is proposed that an applicant for registration who will be working in the building and construction sector must be assessed, as having:

- demonstrated knowledge and practical application of the operation and use of the National Construction Code (NCC) as it applies to the relevant area and/or areas of engineering
- knowledge of or the ability to acquire knowledge of the ACT Building Regulatory system
- three years' experience in the building and construction industry.

Further guidance will be provided prior to implementation on how these requirements can be met and who they will be assessed by. Assessment is expected to be undertaken by a third party separate to the Professional Engineers Registrar, the Construction Occupations Registrar and Access Canberra.

### Questions

4. **Do you foresee any difficulties with current engineers being able to meet the outlined qualifications, experience and competency eligibility criteria?**
5. **Are there any other qualifications, experience and competency requirements the ACT should consider including in its scheme?**
6. **What alternative pathways should the scheme consider for registration?**

## Fit to practice

In determining whether an applicant is fit to practice as a registered professional engineer in each area of engineering for which the applicant has applied, it is proposed that the Registrar may have regard to:

- a. whether the person has been convicted, or found guilty within the preceding 10 years, of an indictable offence, or an offence relating to the provision of professional engineering services
- b. any civil proceeding against the individual in a court or tribunal of the ACT, the Commonwealth, a state or other territory that relates to professional engineering services
- c. if the person has had a registration suspended under the legislation or engineering legislation in another jurisdiction and the reason for the suspension
- d. any refusal of an application for registration as a professional engineer (however described) under the legislation or a corresponding law
- e. any non-compliance with a requirement under the legislation or a corresponding law
- f. whether the person, or a body corporate of which the person is or was an officer, is or has been insolvent or an externally administered company under the Corporations Act
- g. whether the person has failed to comply with a court or tribunal order related to professional engineering services.

Note: A corresponding law will include engineer registration legislation in other jurisdictions.

## Questions

- 7. Is the criteria outlined above appropriate for determining whether an applicant is fit to practice as a registered engineer in the ACT?**

## Renewal

Registration will last for a period of three years and must be renewed for the person to continue to be registered to provide professional engineering services.

At the time of renewal, an applicant will generally be taken to meet the qualifications, experience and competency requirements based on the report provided by an approved assessment entity as part of their initial registration. However, the Registrar will have the power to seek a new report on renewal in certain circumstances.

An application for renewal must include:

- a. evidence of compliance with any continuing professional development requirements
- b. any new information relevant to the applicant being fit to practice.

An application for renewal must be made no earlier than three months before the current registration expires and no later than six months after the current registration expired.

It is proposed that any application for renewal outside these periods will be rejected. An application for renewal made six months after the current registration expired will need to be re-made as a new application for registration.

In deciding whether to grant an application for renewal, the Registrar may take into consideration:

- a. Any non-compliance with a condition of registration
- b. Any non-compliance with the legislation
- c. History of complaints against the registered individual
- d. History of regulatory action against the registered individual

## Role of Assessment Entities

### What is an assessment entity?

Assessment entities are an integral part of existing professional engineer registration schemes in other jurisdictions. Assessment entities undertake assessments of applications for registrations by individuals and provide advice to the Registrar on whether a person meets the requirements for registration.

It is proposed that assessment entities will be approved to provide:

- a. assessment reports to the Registrar about an applicant's qualifications, experience and competency that is relevant to each area of engineering for which the applicant has applied for registration to the applicant for submission with their application for registration
- b. advice/reports to the Registrar as requested – such as a skills assessment/audit as part of regulatory action
- c. continuing professional development.

### What responsibilities will an assessment entity have?

An approved assessment entity will be authorised to assess and recommend that an applicant meets the necessary qualifications, experience and competency to be registered as a professional engineer in the areas(s) of engineering for which an application for registration has been made.

The Registrar will be responsible for checking achievement of other eligibility criteria for registration and for ultimately granting registration.

### Who can be an assessment entity?

To be approved as an assessment entity, an application will need to be submitted that demonstrates that the entity:

- a. will adequately provide for the assessment of qualifications, experience and competencies of engineers in an identifiable area of engineering; that is, structural, civil, mechanical, electrical and fire safety engineering
- b. will act consistently with national and international standards for the recognition of professional engineers
- c. has procedures in place for the assessment of applicants for registration that ensure the assessments are conducted in an independent and professional manner

- d. has an effective audit program to ensure registration requirements are met
- e. will only charge fees for the assessment of qualifications, experience and competencies that are reasonable having regard to the scope of the services being offered
- f. will engage competent people to perform assessments of applicants for registration and has proven procedures for training and accrediting those people who will perform the assessments
- g. has adequate procedures for monitoring and improving the assessment process provided
- h. has the financial capacity and facilities to conduct assessments of qualifications, experience and competencies
- i. has a proven capacity to undertake independent and authoritative assessments in a timely manner.

Approvals will be for a maximum period of five years. The Director-General of the ACT Government Directorate responsible for the scheme (currently the Environment, Planning and Sustainable Development Directorate) will have responsibility for approving an assessment entity and ensuring that any approved assessment entity complies with the conditions of their approval. The Registrar will be responsible for bringing the Director-General's attention to any operational matters of concern in relation to approved assessment entities. The conditions of approval will also place obligations on approved assessment entities to provide reports etc to the Director-General.

### Question

- 8. Do you support the proposed approach to assessment entities?**

## Professional Indemnity Insurance

Professional Indemnity Insurance is a form of insurance for those providing professional services or advice and is an important business/individual and consumer protection measure. It can provide coverage for claims of negligence or professional misconduct.

It is proposed that the ACT scheme will not make it a mandatory requirement for registration that an applicant has professional indemnity insurance. This is based on advice received from industry and key stakeholders.

Similar to the approach taken in QLD, the ACT intends, through its Code of Practice, to require registered professional engineers to take all reasonable steps to procure and maintain professional indemnity insurance during each year that is appropriate for the services being provided by the registered professional engineer.

### Question

- 9. Do you support the proposed approach to professional indemnity insurance?**

## Ongoing obligations on registered engineers

Engineers registered under the scheme will have obligations to:

- a. Comply with any code of practice issued by the Minister. Failure to comply with a code of practice could result in suspension, cancellation, or disqualification from registration, or other regulatory action.

- b. Comply with continuing professional development requirements.
- c. Notify the Registrar of any change in the information about the engineer appearing in the engineers register without delay after the change occurs.
- d. Notify the Registrar of any changes relating to a matter that is considered when determining whether a person is fit to practice as an engineer as soon as practicable.
- e. Produce their registration certificate when requested by a client, employer, the Registrar or authorised person.
- f. Engage in satisfactory professional conduct. Unsatisfactory professional conduct may result in suspension, cancellation or disqualification from registration, or other regulatory action.

*Unsatisfactory professional conduct* includes:

- i. conduct that is of a lesser standard than that which might reasonably be expected of the registered professional engineer by the public or by the engineer's professional peers
- ii. conduct that demonstrates incompetence, or a lack of adequate knowledge, skill, judgement or care, in the practice of engineering
- iii. misconduct in a professional respect
- iv. fraudulent or dishonest behaviour in the practice of engineering
- v. other improper or unethical conduct.

## Code of Practice

The Code of Practice will be issued by the Minister. It is proposed that the Code of Practice cover the following matters:

- a. Professional and personal conduct requirements:
  - i. Acting with honesty, fairness and integrity
  - ii. Not engaging in conduct that is detrimental to the profession or contrary to the public interest
  - iii. Exercising skill and diligence and providing services with reasonable care
- b. Professional expertise; for example, awareness of the legal requirements that apply to their profession and registration
- c. Management of conflicts of interest
- d. Insurance
- e. Record-keeping obligations
- f. Complaints handling processes
- g. Disclosure of commercial, business or financial arrangements with a third party you recommend or who refers you to a client

## Continuing Professional Development (CPD)

CPD requirements, if satisfied, demonstrate that an applicant for renewal has maintained competency in their area/s of engineering and within their area of competence for which the applicant is, or was, registered.

The specific details of the CPD requirements for the ACT scheme are still be determined and will be finalised in consultation with industry and key stakeholders.

The requirements will be contained in a direction issued by the Minister and will cover the following matters:

- a. Required hours
- b. Areas and types of activities
- c. Any limitations on the number of hours that can be claimed against a specific type of activity
- d. Record-keeping requirements
- e. Career breaks (period of leave from the workforce of at least six continuous months)

## Regulatory action and oversight

### Responsible Minister

On implementation of the scheme, the responsible Minister will be the Minister for Sustainable Building and Construction.

The Minister will have responsibilities under the legislation to:

- a. determine relevant qualifications, experience and competency including any alternative pathways to registration
- b. determine Codes of Practice
- c. determine continuing professional development requirements
- d. set fees and charges.

The Minister will also have the ability to engage independent industry experts, including the ACT Chief Engineer, to provide technical and industry expertise and advice for the purposes of exercising responsibilities under the legislation.

### Professional Engineering Registrar

The scheme will be administered by a Professional Engineering Registrar (the Registrar) who will be an ACT public servant appointed by the Director-General of the ACT Government Directorate responsible for the Act (currently the Environment, Planning and Sustainable Development Directorate). The role of the Registrar is likely to sit within Access Canberra and be supported by Access Canberra staff.

Functions of the Registrar will include:

- a. determining applications for registration and renewal
- b. issuing certificates of registration
- c. monitoring compliance with, and investigating and prosecuting alleged contraventions of the legislation



- d. referring registered professional engineers to ACT Civil and Administrative Tribunal (ACAT) for occupational discipline
- e. act on complaints made about registered professional engineers
- f. keep the registers required under the legislation.

The Registrar will also have the ability to engage independent industry experts, including the ACT Chief Engineer, to provide technical and industry expertise and advice for the purposes of exercising functions relating to regulatory actions. This acknowledges the highly technical and specialised nature of engineering work.

## Regulatory Action

It is proposed that the Registrar will have powers to take the following regulatory action in relation to a current or former registered engineer:

- 1. Suspension or cancellation of a registration
- 2. Application to ACAT for an occupational discipline order.

It is proposed that ACAT will have the power to make occupational discipline orders that disqualify a registered or formerly registered engineer and/or make an order for a monetary penalty.

Action will only be able to be taken against a former registered engineer where the circumstances resulting in the need for regulatory action arose during a period of registration. This arrangement supports consumer protection and protects public safety.

Prior to taking any regulatory action, the Registrar must believe on reasonable grounds that a ground for regulatory action exists.

Examples of grounds for regulatory action will include the registered engineer:

- a. breaching a code of practice
- b. failing to comply with a provision of the legislation
- c. breaching a condition of their registration
- d. engaging in unsatisfactory professional conduct
- e. making a materially false or misleading representation or document (in the application process)
- f. undertaking work outside the scope of work conferred by their registration
- g. experiencing a change in circumstances which would make an engineer ineligible for registration
- h. contravening a provision of state or territory legislation or national code relating to the requirements of how an engineer performs their work or standards, however described, applying to the registered area of engineering; for example, failure to apply or misapplication of the National Construction Code
- i. being affected by bankruptcy action or as an executive officer of a corporation affected by control action
- j. having another registration or membership of an association related to the practice as a professional engineer being cancelled for disciplinary reasons
- k. being convicted of an offence related to the provision of professional engineering services.

The Registrar will have the power to immediately suspend or cancel a registration if one of the above grounds exists and it is in the public interest to immediately suspend or cancel the engineer's registration.

A decision by the Registrar to take regulatory action will be a reviewable decision.

A suspended registered professional engineer will have the opportunity to take action directed by the Registrar in order to have the suspension lifted. Examples of action the Registrar may direct a suspended registered professional engineer to take may include:

- a. training
- b. an assessment/audit by an approved assessment entity of their skills and qualifications
- c. entering into an undertaking agreed between the Registrar and the registered professional engineer about a matter relating to the engineer carrying out professional engineering services
- d. entering into an undertaking agreed between the Registrar and the person about the person's conduct.

## Fees and charges

Reasonable fees are proposed to be charged for:

- a. lodging an application for registration
- b. lodging an application for renewal of registration
- c. replacement of a certificate of registration

These fees are still to be determined. Further information on the details of any fees and charges associated with the scheme will be provided in the lead-up to implementation. Any fees will be consistent with fees for other professional registration schemes operating in the ACT and will reflect the cost to Government of providing the scheme.

As assessment entity will generally charge a person seeking registration as an engineer for any reports to be submitted with their application on their qualifications, experience and competency for registration in the engineering area(s) for which registration is sought.

## Public Register of Professional Engineers

The scheme will include a public register of professional engineers. It is proposed that the public register will include important information relating to the registered individual and their registration:

- a. Name of the registered engineer
- b. Registration number
- c. Area(s) of engineering registered to work in
- d. Details of any regulatory action that is likely to lead to, or has led to, suspension, cancellation or disqualification
- e. Date registration was granted
- f. Expiry date of the registration
- g. An indication whether registration includes working in the building and construction sector

- h. Any conditions on the engineer's registration

Information will not be made public where personal safety or national security grounds exist.

The scheme is proposing that information about a former registered engineer will remain on the public register:

- a. while disciplinary or regulatory action remains pending or
- b. for a specified period after the registration has expired, whichever occurs last.

## Questions

**10. Is there any other information that should be shown on a public register?**

**11. How long do you think information about a former registered engineer should be on the public register?**

# What is the timeframe for implementation of the scheme?

**It is anticipated that the scheme will commence no earlier than 1 July 2023, with phased introduction proposed for registration of different categories of engineers.**

Similar to the approach taken by Victoria, the ACT scheme is proposed to have a phased introduction over several years.

This is in recognition of the need to ensure that the provision of services is not interrupted and those currently working in the industry can continue to work in the industry while their application for registration is considered. It also enables the ACT Government and other key entities involved in the operation of the scheme to process applications in a timely and efficient manner.

The details of the phased approach, for example, when each area of engineering will be able to apply for registration will be determined following input from this public consultation and industry engagement.

## Question

**12. Do you have any views on what the phased introduction should look like?**

## Question

**13. Are there any other comments you would like to make in relation to the proposed scheme?**

# How we will use this information

Thank you for participating in this consultation on the establishment of a registration scheme for professional engineers in the ACT.

We will use the feedback we receive to help finalise the details of the scheme and its key elements. We will also use your feedback to assist in finalising the legislative framework that will give effect to the scheme.

Your feedback may be de-identified and included in material about the proposed scheme for Government consideration.

More information about how we handle and store the information you provide to us is available on the ACT Government website: [Privacy - Environment, Planning and Sustainable Development Directorate - Planning \(act.gov.au\)](https://www.act.gov.au/privacy-environment-planning-and-sustainable-development-directorate/planning)

# Appendix 1: Consultation Questions

1. Do you foresee any concerns with the definition of professional engineering services proposed to be used in the ACT scheme?
2. Do you agree that these are the five initial areas of engineering that should be incorporated into the ACT scheme? If not, what areas do you think should be removed or included instead?
3. Do you support civil and structural engineering being identified as separate areas of engineering? Do you think structural engineering is more appropriately a sub-set within the area of civil engineering?
4. Do you foresee any difficulties with current engineers being able to meet the outlined qualifications, experience and competency eligibility criteria?
5. Are there any other qualifications, experience and competency requirements the ACT should consider including in its scheme?
6. What alternative pathways should the scheme consider for registration?
7. Is the criteria outlined above appropriate for determining whether an applicant is fit to practice as a registered engineer in the ACT?
8. Do you support the proposed approach to assessment entities?
9. Do you support the proposed approach to professional indemnity insurance?
10. Is there any other information that should be shown on a public register?
11. How long do you think information about a former registered engineer should be on the public register?
12. Do you have any views on what the phased introduction should look like?
13. Are there any other comments you would like to make in relation to the proposed scheme?

## Appendix 2: Overview of proposed scheme

