



New South Wales

Professional Engineers Registration Bill 2019

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are—

- (a) to establish a scheme for the registration and regulation of professional engineers, and
- (b) to ensure that engineering services are provided by professional engineers.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Clause 3 defines certain words and expressions used in the proposed Act.

Clause 4 sets out the objects of the proposed Act.

Clause 5 provides that the proposed Act binds the Crown.

Part 2 Registration of professional engineers

Division 1 Preliminary

Division 1 sets out the areas of engineering in which a professional engineer may be registered and creates offences for a person, other than a professional engineer, to engage in certain conduct relating to engineering.

Division 2 Application for registration

Division 2 sets out the way in which an individual may apply for registration as a professional engineer. The Division also sets out the requirements for a person to be registered as a professional engineer, including that the person has the appropriate qualifications and competencies for an area of engineering and is otherwise fit to practise as a professional engineer.

Division 3 Determination of application for registration

Division 3 provides for the Board of Professional Engineers to determine an application for registration as a professional engineer and grant or refuse to grant the application.

Division 4 Renewal and restoration of registration

Division 4 sets out the ongoing requirements to retain registration as a practising professional engineer and the process by which the registration of a professional engineer may be restored or renewed.

Division 5 Conditions of registration

Division 5 provides for conditions to be applied to the registration of a professional engineer, including the addition or alteration of conditions.

Division 6 Disclosure by professional engineers

Division 6 requires professional engineers to notify the board of certain matters, including if disciplinary action has been taken against the engineer in another jurisdiction in relation to the practice of engineering.

Division 7 Miscellaneous

Division 7 authorises to the Board of Professional Engineers (the *board*) to undertake inquiries about an applicant's fitness to practise as a professional engineer, to obtain information about the applicant's criminal history and to request information from assessment entities in relation to the applicant.

Division 7 also provides for the surrender of a professional engineer's registration, the refund of certain application fees and the form of a certificate of registration as a professional engineer.

Part 3 Board of Professional Engineers

Division 1 Constitution and functions of board

Division 1 establishes the board and sets out the membership and functions of the board. The board is responsible for the registration of professional engineers and the approval of assessment entities and is subject to the written directions of the Minister.

Division 2 Register of professional engineers

Division 2 requires the board to keep and maintain a register of professional engineers and make the register publicly available.

Part 4 Code of practice

Part 4 provides for the development and publication of a code of practice for professional engineers. The code of practice may be used to provide evidence of appropriate professional conduct for a professional engineer.

Part 5 Complaints and investigations

Division 1 Preliminary

Division 1 defines certain terms used in Part 5 and sets out the circumstances in which the board may exercise its investigation functions. The Part extends to conduct of a professional engineer even if the person has subsequently ceased to be a professional engineer.

Division 2 Complaints

Division 2 establishes a mechanism for complaint handling.

Division 3 Investigations

Division 3 provides for the conduct of investigations into the conduct of professional engineers and contraventions of the proposed Act (including contraventions of the Act by persons who are not professional engineers).

Division 4 Reporting on investigations

Division 4 provides for the preparation of reports about investigations conducted by the board or by another person authorised by the board to conduct an investigation.

Division 5 Action following investigation—professional engineer

Division 5 sets out the procedure for taking disciplinary action as a result of an investigation into the conduct of a professional engineer, including a procedure for the suspension or cancellation of the professional engineer's registration.

Division 6 Action following investigation—person other than professional engineer

Division 6 sets out the procedure for taking action as a result of an investigation into a possible contravention of the proposed Act by a person other than a professional engineer, including commencing proceedings to prosecute the person for an offence.

Part 6 Authorised officers

Division 1 Appointment of authorised officers

Division 1 authorises the board to appoint persons as authorised officers to carry out certain functions under the proposed Act.

Division 2 Information gathering powers of authorised officers

Division 2 establishes the powers of authorised officers to direct persons to produce information or records, to require answers and to record answers or other information given.

Division 3 Entry to premises by authorised officers

Division 3 grants authorised officers authority to enter certain premises for the purposes of conducting an investigation, provides for the issue of search warrants and sets out the powers that may be exercised by an authorised officer while on premises in accordance with Part 6.

Division 4 Miscellaneous

Division 4 sets out certain other matters relating to authorised officers, including offences for obstructing or failing to comply with a direction of an authorised officer.

Part 7 Assessment entities and schemes

Division 1 Applications relating to assessment schemes

Division 1 provides for the board's approval of assessment schemes conducted by an assessment entity in areas of engineering. The Division also makes provision for applications to vary or renew approved assessment schemes.

Division 2 Decision of board

Division 2 provides for the board to grant or refuse applications made under Division 1, including to grant an application subject to conditions.

Division 3 Cancellation, suspension and surrender of approval

Division 3 sets out the circumstances in which the approval of an assessment scheme conducted by an assessment entity may be cancelled or suspended by the board and provides for an assessment entity to surrender an approval.

Division 4 Record of assessment entities

Division 4 requires the board to keep a register of approved assessment entities and the areas of engineering that the entity is approved to provide assessment schemes.

Part 8 Miscellaneous

Part 8 makes provision for the review of decisions made under the proposed Act, the publication of warning notices by the board, the personal liability of authorised officers and members of the board and the making of regulations.

Schedule 1 Savings, transitional and other provisions

Schedule 1 contains savings, transitional and other provisions consequent on the enactment of the proposed Act.

Schedule 2 Constitution and procedure of board

Schedule 2 sets out the constitution and procedure of the Board of Professional Engineers.