



September 2022 Registration Scheme for Professional Engineers (ACT)

SUBMISSION TO THE ENVIRONMENT, PLANNING
AND SUSTAINABLE DEVELOPMENT DIRECTORATE

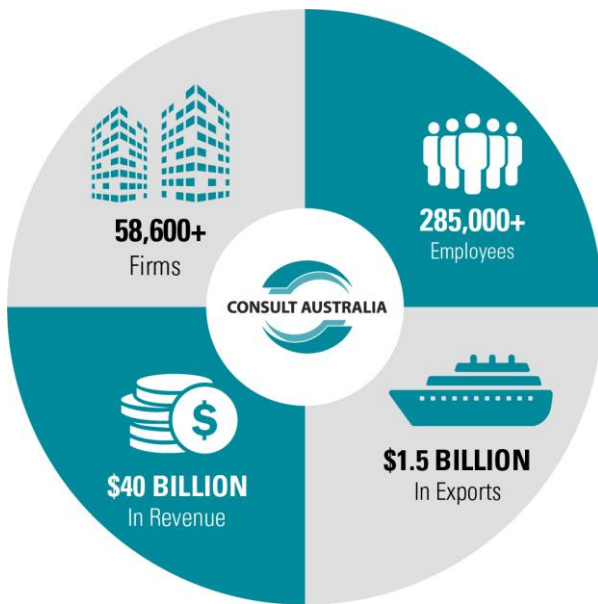
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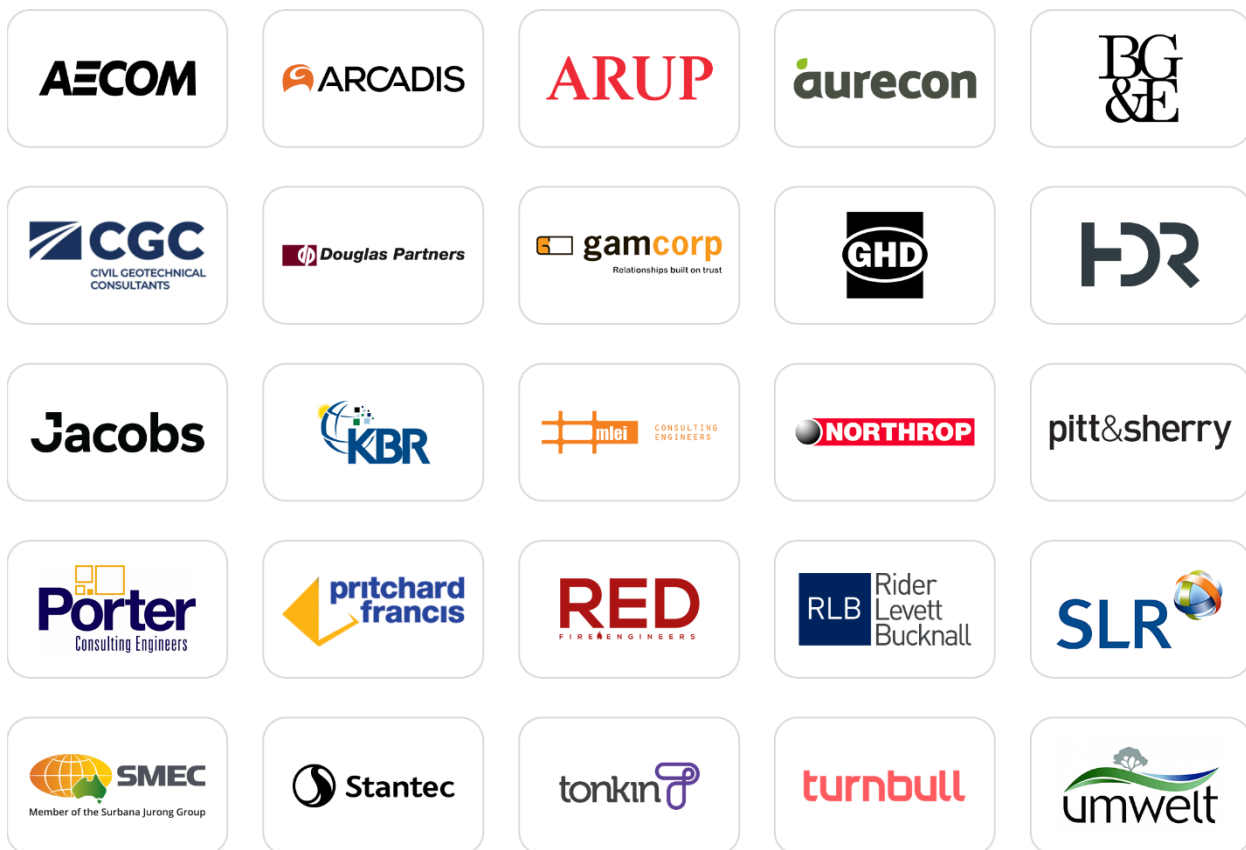
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ABOUT US

Consult Australia is the industry association representing consulting businesses in design, advisory and engineering, an industry comprised of over 58,600 businesses across Australia. This includes some of Australia's top 500 companies and many small businesses (97%). Our members provide solutions for individual consumers through to major companies in the private sector and across all tiers of government. Our industry directly employs over 285,000 people in architectural, engineering and technical services and many more in advisory and business support. It is also a job creator for the Australian economy, the services we provide unlock many more jobs across the construction industry and the broader community.



Our members include:



A full membership list is available at: <https://www.consultaustralia.com.au/home/about-us/members>

EXECUTIVE SUMMARY

Consult Australia welcomes the opportunity to contribute to the Environment, Planning and Sustainable Development Directorate's consultation on the proposed registration scheme for professional engineers in the ACT.

Whilst we acknowledge the emergence of government registration schemes across Australia for professional engineers, we remain concerned by the lack of consistency and automatic mutual recognition between the jurisdictions. The proposed ACT scheme seems to largely reflect elements of the Victorian and Queensland government registration schemes for professional engineers. This is a positive as it provides some consistency for businesses.

We are particularly glad to see that insurance is not a mandatory requirement of registration, but rather professional engineers are expected to take reasonable steps to obtain insurance whilst practising.

Consult Australia has recommendations for the ACT scheme:

1. The ACT Government should work with the Commonwealth and other states and territories to achieve automatic mutual registration based on project location, not home state, to achieve 'one fee, one registration.'
2. The ACT registration scheme should be limited to 'in a prescribed area of engineering in the ACT, and/or 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.'
3. Further clarity is needed on whether the registration of disciplines will be staged.
4. Further clarity is needed on how arrangements for registration under multiple disciplines will be managed.
5. Further clarity is needed on the continuing professional development hours that will be required.
6. Further clarity is needed on the types of activities that will be recognised for continuing professional development.
7. Further clarity is needed on the associated financial and administrative implications on engineers and related businesses.
8. Continuing professional development concessions should be provided to provide relief for professional engineers with differing circumstances.
9. Alternative pathways should be provided to accommodate practitioners who do not strictly meet qualifications, experience, and competency eligibility criteria.
10. The words 'procure and maintain' should be revisited.
11. Any mention of insurance needs to also account for the fact that insurance is a commercial product that a practitioner cannot control.
12. There should be no unreasonable obligation to provide proof of insurance, such as copy of the insurance policy, because professional indemnity insurance policies are commercial in-confidence between the business and its insurer, and it is very unlikely individual practitioners within the business will ever see or have access to that policy.

These recommendations will be explored in further detail throughout this submission.

AUTOMATIC MUTUAL RECOGNITION/REGISTRATION

Consult Australia continues to advocate for any government registration scheme to not unreasonably impact a business. We are particularly concerned by the lack of attention across Australia to automatic mutual recognition/registration and the implications of multiple government registration schemes on businesses. Consult Australia advocates for a 'one fee, one registration' for engineering practitioners in Australia. Without truly harmonised arrangements, the administrative burden, and financial costs on businesses from professional engineers' registration are significant.

The table below sets out the yearly costs (including proposed costs for the proposed scheme in WA) for government professional engineering registration.

	JURISDICTION					TOTAL
	QLD	NSW	VIC	ACT	WA	
INITIAL COSTS	\$313.95	\$617 ¹	\$244.43 ²	UNKNOWN	\$490 ³	\$1,665.38
RENEWAL COSTS		\$463	\$265.36 ⁴	UNKNOWN	UNKNOWN	\$728.36
NON-PRACTISING INITIAL COSTS	\$190.40		\$57.43 ⁵	UNKNOWN	UNKNOWN	\$247.83
NON-PRACTISING RENEWAL COSTS			\$61.66 ⁶	UNKNOWN	UNKNOWN	\$61.66
RESTORATION COSTS	NA	\$521	NA	UNKNOWN	UNKNOWN	\$521.00

For example, if a qualified engineer in Australia wanted to practice across Qld, NSW, Vic and WA they are already needing to spend approximately \$1,665.38 in initial registration fees, and approximately \$728.36 in renewal costs. Then on top we have the ACT scheme costs. Further, the administrative burden from this 'multiple fee, multiple registration' arrangements impact the vast majority of businesses across our membership. Engineers, arguably more than any other profession require greater occupational mobility to enable them to deliver a vast range of projects in different parts of the country.

We were disappointed to see the amendments to the *Mutual Recognition Act 1992* (Cth) introduce a new term of 'home state' focussing on the state in which a person has their principal place of residence or principal place of work. The drafting assumes that a person's initial registration will be in the state that is also their 'home state', which is not always the case. For example, we will have many engineers living and working in the ACT who are already registered in Qld, Vic and/or NSW as professional engineers – using the 'home state' definition these practitioners (and therefore the employer businesses) will not benefit from automatic mutual registration. This is the case even if the ACT introduces a scheme that is identical to any of these jurisdictions. The drafting of the Act fails to consider individuals that provide services to other jurisdictions.

¹ This excludes costs associated with registering as a design practitioner additional to professional engineers' registration under the NSW Design & Building Practitioners Act 2020 (NSW).

² The Victorian registration scheme applies a three-year fee of \$507.80 for initial registration. The initial endorsement cost is an additional fee of \$225.50. This figure is calculated by dividing \$733.30 by three (the total of the registration fee and endorsement cost) by three.

³ This figure is subject to change and incorporates the proposed maximum cost for an application for registration as a building engineering practitioner (\$90), and the proposed maximum cost for an application for registration as a building engineering practitioner for 3 years (\$1200) divided by three.

⁴ The Victorian registration scheme applies a three-year fee of \$570.60 for the registration renewal of a practising professional engineers, plus a \$225.50 three-year endorsement renewal fee. The total, \$796.10, has been divided by three to get this figure.

⁵ The Victorian registration scheme applies a three-year fee of \$172.30 for initial registration of a non-practising professional engineer, which has been divided by three to get this figure.

⁶ The Victorian registration scheme applies a three-year fee of \$185.00 for the registration renewal of a non-practising professional engineer, which has been divided by three to get this figure.

Shortages in engineering skills in Australia make a single point of registration even more critical to ensure these essential workers can work from anywhere across the country. As highlighted in our [Thinking Smarter About Skills](#) thought leadership paper, the [Infrastructure Australia – Public Infrastructure Workforce Supply Dashboard](#) estimated that in July 2022 there was a net deficit of 52,100 engineers, scientists and architects needed to meet the demand from public infrastructure projects. This is a conservative estimation that does not factor in changing dynamics, forward pipelines, private sector projects, and non-infrastructure related work. We anticipate the gravity of the skills shortages is more severe than recorded, and we note that based on member feedback, the strain on people resources is not improving.

Further, the impacts on smaller jurisdictions such as the ACT are likely to be felt more deeply than in the larger jurisdictions. As Infrastructure Australia noted in their [Infrastructure Market Capacity Report](#) that 'smaller jurisdictions do not have the diversity in construction work to accommodate significant shifts in demand for public infrastructure. This may exacerbate the imbalance between the public infrastructure workforce concentration in large states and the population spread across the country as individuals migrate to where opportunities are greater when projects conclude.'

From Consult Australia's perspective, restrictions on the movement of skills across Australia through 'multiple fees, multiple registration' arrangements are a key market capacity constraint, and the ACT Government should be working on how to achieve automatic mutual registration – which is constrained by the 'home state' definition in the Commonwealth legislation. It is vital that any registration scheme takes into consideration the occupational behaviours of the Australian engineering industry and promotes flexibility, efficiency, and affordability wherever possible.

Registration should be based on project location

We understand that the ACT registration scheme for professional engineers intends to:

'...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.'

Our preference is that the registration scheme be limited to points (a) and (b) above. We do not support (c) as this will mean double handling of registration. For example, if an engineer produces a design while being physically located in the ACT for a project based in Vic – the engineer will already be registered in Vic by that government scheme, so what purpose does the paragraph (c) registration in ACT have?

Recommendations:

1. *The ACT Government should work with the Commonwealth and other states and territories to achieve automatic mutual registration based on project location, not home state, to achieve 'one fee, one registration.'*
2. *The ACT registration scheme should be limited to 'in a prescribed area of engineering in the ACT, and/or 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.'*

OTHER OPPORTUNITIES TO IMPROVE THE PROPOSED SCHEME

The proposed scheme for the ACT is in many respects similar to the schemes in Qld and Vic. Elements of similarity include the disciplines proposed in the ACT scheme and those covered in the Victorian scheme, and the recognition that insurance does not need to be a mandatory requirement. Consult Australia notes that it is beneficial for businesses working in multiple jurisdictions to have similar requirements and obligations across those jurisdictions, noting that it is most commonly the business that manages and pays for the professional engineering registration of its employees.

Below we set out feedback on; disciplines, continuing professional development (CPD) and insurance.

Disciplines

Consult Australia understands that the proposal is for the ACT registration scheme to have mandatory registration for only senior professional engineers responsible for developing and overseeing the development of engineering designs. This scheme will therefore not capture all engineers or practitioners who are carrying out work in accordance with prescribed standards.

Our members key concern is national consistency. At present, the definition in Victoria is all professional engineers which is all engineers that do professional engineering work. We do not have a preference at this time, but we do believe further collaboration is required across the states and territories to reduce complexity and confusion for industry.

Initially the scheme will only apply to the following disciplines:

- civil
- structural
- mechanical
- electrical
- fire safety

Consult Australia is comfortable with these disciplines being covered, and would like clarity on whether the registration of disciplines will be staged – as it was in Vic.

While we do not have intel on the number of practitioners that work or would need to be registered in multiple disciplines, Consult Australia is concerned about the increased cost for an individual (and therefore their employer business) if registering for multiple engineering disciplines. Further clarity is needed on how arrangements for registration under multiple disciplines will be managed.

Recommendations:

- 3. Further clarity is needed on whether the registration of disciplines will be staged.*
- 4. Further clarity is needed on how arrangements for registration under multiple disciplines will be managed.*

CPD requirements

We understand that the specific details of the CPD requirements for the ACT scheme are still to be determined and will be finalised in consultation with industry and key stakeholders. The Qld and Vic schemes require the completion of a minimum of 150 hours over a three-year period. It is noted that the key differences between those two states is that Qld mandates a much higher minimum for technical CPD than Vic. Further, Qld also requires a minimum hour each on ethics and risk management. In general, Consult Australia supports flexibility in the accrual of CPD points and sees the benefits on a minimum requirement, especially for technical CPD. We ask that the ACT be consistent with Qld/Vic.

	QLD	VIC
Technical CPD	112.5 hours minimum	49.50 hours minimum
Non-technical CPD	37.5 hours maximum	Remaining hours can be in related areas such as, project management, ethics and law, risk management, communication and mentoring junior engineers.
Ethics	1 hour minimum	
Risk management	1 hour minimum	
TOTAL HOURS	150 hours over 3 years	150 hours over 3 years

In terms of the types of activities recognised as CPD, Consult Australia once again supports flexibility and urges the ACT to match all the activities recognised in Qld and Vic:

- Formal post-graduate study or tertiary course units whether or not undertaken for award purposes.
- Short courses, workshops, seminars and discussion groups, conferences, technical inspections and technical meeting.
- Structured learning activities in the workplace that extend competence in the area/s of engineering.
- Private study which extends knowledge and skills.
- Service to the engineering profession.
- Preparation and presentation of papers for courses, conferences, seminars or publication.
- Practitioners employed in tertiary teaching or academic research.
- Research which extends knowledge and skills (this is recognised in Vic but not Qld, but Consult Australia recommends recognition in the ACT).

It is vital that a variety of education formats be accepted as part of the proposed CPD under the ACT scheme to ensure all tiers of business from micro through to large can participate in accessible and affordable learning.

Whilst we appreciate the reasons behind regulating CPD, we wish to emphasise the need for transparency and clarity regarding the associated financial and administrative implications on engineers and related businesses. We anticipate assessment bodies will provide the technical training components or to provide auditing services of the CPD process. We request the opportunity to provide industry feedback on the proposed fees charged by assessment entities so our members can prepare for the financial implications of the proposal.

We also note that under the Vic scheme, concessions are provided for professional engineers:

- working part-time who take a career break,
- who transfer between practising and non-practising
- who are non-practising for the entire three-year period.

We recommend this position be adopted in the ACT scheme to provide relief for professional engineers with differing circumstances, including those with parenting responsibilities for which they have taken leave.

Additionally, our members have identified the need for alternative pathways to accommodate those practitioners who do not strictly meet qualifications, experience, and competency eligibility criteria. In the construction industry there are professionals practicing very specific fields that do not have engineering degree qualifications. It is crucial that there will be an alternative pathway for these professionals to achieve registration. For example, fire system design as opposed to fire engineer, building hydraulics, lifts, and acoustics. Alternative pathways could include obtaining 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.

Recommendations:

5. *Further clarity is needed on the continuing professional development hours that will be required.*
6. *Further clarity is needed on the types of activities that will be recognised for continuing professional development.*
7. *Further clarity is needed on the associated financial and administrative implications on engineers and related businesses.*
8. *Continuing professional development concessions should be provided to provide relief for professional engineers with differing circumstances.*
9. *Alternative pathways should be provided to accommodate practitioners who do not strictly meet qualifications, experience, and competency eligibility criteria.*

Insurance

The ACT scheme will not make it a mandatory requirement for registration that an applicant has professional indemnity insurance. However, the ACT scheme will through a code of practice 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.

We have concerns about the language used – especially for individual practitioners working in a business as practitioners are not responsible for ‘procuring’ and ‘obtaining’ insurance – that is the role of the business leaders. The requirement needs to also account for the fact that insurance is a commercial product that a practitioner cannot control. It is also important that there is no unreasonable obligation to provide proof of insurance, such as a copy of the insurance policy, because professional indemnity insurance policies are commercial in-confidence between the business and its insurer, and it is very unlikely individual practitioners within the business will ever see or have access to that policy.

Recommendations:

10. *The words ‘procure and maintain’ should be revisited.*
11. *Any mention of insurance needs to also account for the fact that insurance is a commercial product that a practitioner cannot control.*
12. *There should be no unreasonable obligation to provide proof of insurance, such as copy of the insurance policy, because professional indemnity insurance policies are commercial in-confidence between the business and its insurer, and it is very unlikely individual practitioners within the business will ever see or have access to that policy.*

CONTACT

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