



Ratified: 26 July 2002

## Introduction

The National Engineering Registration Board (the Board) was established jointly by the Institution of Engineers, Australia (IEAust), the Association of Professional Engineers, Scientists and Managers, Australia (APESMA) and the Association of Consulting Engineers Australia (ACEA). The Board, with representation from State and Territory Governments, Community Organisations and Professional Associations, oversees the operation of National Registers of practitioners who choose to be so registered and have demonstrated their competency levels have been maintained to the standard set by the Board. The registers are administered by IEAust on behalf of relevant professions to ensure the community is provided with the protection it is entitled to expect in relation to work undertaken by those practitioners. These registers are:

- The National Professional Engineers Register (NPER), which is a joint initiative of IEAust, APESMA and the ACEA;
- The National Engineering Technologists Register (NETR), which was established by IEAust to register Engineering Technologists; and
- Any National Register that the Board shall establish in accordance with these Terms of Reference.

## Board responsibilities

### Objective

The Board shall provide a registration system for the engineering and related professions that safeguards the community.

### Role of Board

In order to meet the objective, the Board shall:

- Establish and maintain national registers;
- Endorse or adopt registration systems that protect the community;
- Ensure national registers operate with integrity in respect of Competition Policy;
- Ensure national registers recognise stakeholder<sup>1</sup> requirements;
- Promote the value of national registers to organisations that are served by the engineering profession;
- Adopt audit and review systems that are open and accountable;
- Provide an accessible independent appeal system.

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<sup>1</sup> Stakeholders include the community, government, industry, the engineering profession and other interested parties.

## Functions of Board

Subject only to the constraints imposed by its governance, administration and management agreement with the Council of IEAust, the Board shall:

1. Regularly consider and determine whether existing registers are no longer required, whether registers require amendment and whether new registers will be established. In doing so, the Board will consider whether the interest of the community is safeguarded by the register, specifically that:
  - the register meets a demonstrable need of the community, government, industry or profession;
  - there is evidence that engineering professionals are involved in areas of practice appropriate to be covered by the register;
  - there are acceptable objective criteria established and available to determine whether an individual should be entered on the register.
2. Establish or endorse competency panels that include all key stakeholders for each area of practice on the national registers with a responsibility to:
  - establish a practical framework of competencies that take account of responsibilities of all engineering practitioners working in the area;
  - place the safety, health and welfare of the community above all else;
  - provide evidence guidelines for the use of applicants seeking registration;
  - develop a formal process for assessment of the competency and approval for registration of individuals in the area of practice;
  - initiate and monitor periodic audits covering the maintenance of current competencies deemed necessary for persons registered in each area of practice.
3. Promote acceptance and recognition of the benefits of objective national registers for the protection of the community, by:
  - communicating the Board's objectives to all levels of government and industry;
  - making government agencies and employers aware of the possible consequences of engaging inappropriately experienced or inadequately qualified practitioners. publishing statistical data on registration within the relevant professions;
  - providing information about national registers.
4. Adopt fair and just assessment systems for registration, and monitor their ongoing operation. Adopt audit and review procedures that maintain and improve the quality and reliability of the registration system. Elements to be taken into account include the:
  - provision of comprehensive information on the requirements for registration to applicants;
  - assessment of applicants in accordance with objective and fair standards;
  - regular audit of compliance with the requirements of registration;
  - setting of reasonable fees.
5. Hear and determine appeals from applicants denied registration and determine procedures for reassessment as appropriate.
6. Review and adopt codes of ethics that are to apply to registrants.
7. Adopt fair and just procedures for dealing with complaints of improper conduct made against registrants, including applying disciplinary actions and sanctions.
8. Adopt and regularly review the procedures for handling complaints and taking disciplinary action, taking into account industry trends, community expectations and changes in public policy.

9. Hear appeals against sanctions applied to registrants found to have engaged in improper conduct as defined by the adopted disciplinary procedures. Where appropriate endorse or vary such sanctions including the imposition of suspension or deregistration.
10. Monitor the reported incidence of non-registrants practising in areas of practice where registration is required and monitor the actions of regulatory authorities taken to curb such activity, reporting any concerns to the relevant governments and recommending or initiating such further action to be taken under the relevant legislation as may be judged to be appropriate by the Board.
11. Report annually on the operations of the Board to all organisations represented on it and make the report publicly available.

## **Board governance, administration and management**

It has been agreed by ACEA and APESMA that IEAust shall administer the National Registers and that the legal status of the Board shall be that of a Board of Council, which is the governing body of the IEAust.

Council intends that the Board shall have, and shall be seen to have, a central and respected role in ensuring community interests are protected by setting and applying:

- the procedures and standards governing the administration of the registers;
- the standards demanded of practitioners seeking initial registration or its renewal;
- the disciplinary regulations established and administered for registered practitioners.

To that end, Council has determined that:

1. the Board shall have access to a direct line of communication with Council for the purposes of consultation on any and all matters relating to the policy and procedures under which the Board operates and the administrative and other support provided by IEAust;
2. the Board shall not be subject to Council direction in respect of advice tendered or public statements issued, provided that such action has been taken in accordance with this Terms of Reference;
3. save in exceptional circumstances, Council will not reach any binding decisions in relation to matters which fall within the terms of reference of the National Engineering Registration Board otherwise than on the recommendation of, or after reasonable consultation with, the Board;
4. in particular, Council will not amend the terms of reference of the National Engineering Registration Board without providing a minimum of twelve months written notice of such intention to the Board, otherwise than by written mutual agreement between Council and the Board;
5. Council will waive its right of authority over the Board in relation to any individual disciplinary actions taken against registered practitioners, provided that such actions are taken in accordance with this Terms of Reference;
6. subject to the preceding clauses, Council, which has responsibility under the Royal Charter for the entire management and direction of IEAust, and which is a body corporate able to sue and be sued, will remain responsible for taking such actions as it may decide to be necessary to adhere to its obligations under the Royal Charter and the obligations of the Board under this Terms of Reference;
7. in particular, where the Board considers that legal advice is required, or has a reasonable apprehension that IEAust may become involved in legal action flowing from decisions taken by or on behalf of the Board, the Registrar shall, as soon as practicable, advise the Chief Executive of IEAust of the circumstances and the Board shall thereafter, in dealing with these matters, act as Council may direct, through the Chief Executive of IEAust;
8. the IEAust shall provide ongoing administrative support to the Board and shall indemnify the members of the Board against any legal action flowing from decisions taken in good faith by the Board or its individual members to give effect to its Terms of Reference.

### **Meetings**

The Board will normally meet twice per year. The Board may appoint committees, as it deems appropriate. The Chairman may convene special meetings or teleconferences of the Board or its committees at any time on giving reasonable notice to all Board members. Minutes of Committee meetings shall be distributed to all members of the Board.

### **Chair**

The Board will elect, from its own members or elsewhere, a Registered Professional Engineer as Chair.

### **Secretariat Support**

Responsibility of IEAust Director Education and Assessment.

### **Quorum**

Half the IEAust Office Bearers together with half the representatives of other organisations will constitute a quorum.

### **Membership**

Chairman

**Ministerial Representatives:** (From any State or Territory choosing to appoint one)

Currently:

Nominee of Queensland Minister for Public Works & Housing

Nominee of the Northern Territory Minister for Transport and Works

Nominee of the Western Australia Premier

Nominee of the Premier of Tasmania

Nominee of NSW Minister for Public Works & Services

### **Representing Professional Bodies**

Nominee of the President, ACEA

Nominee of the President, APESMA

Nominee of the President, IPWEA

Nominee of the President, ACP

Nominees of other bodies that cooperate in the establishment of areas of practice

### **Representing Community Based Organisation**

The St James Ethics Centre

A second community organisation or community representative

### **Office Bearers representing the Institution of Engineers, Australia**

National Vice President Engineering Practice or alternate

### **Representatives of the Discipline Colleges of the IEAust**

A nominee appointed by the Board of Engineering Practice

### **Engineering Technologists**

A registered Engineering Technologist nominated each year by President IEAust

### **Engineering Officers**

An Engineering Officer nominated each year by President IEAust

**Chief Executive of the Institution of Engineers, Australia** (ex officio)