

The Association of  
**Professional  
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Commonwealth Statutory Declarations Review  
Courts Section  
Civil Justice Policy and Programmes Division  
Attorney-General's Department

Via email: [statdec.review@ag.gov.au](mailto:statdec.review@ag.gov.au)

### **APEA's submission to the Review of the Statutory Declarations Regulations 1993**

The Association of Professional Engineers Australia (APEA), a division of Professionals Australia, welcomes the opportunity to provide this submission, in response to the Commonwealth Statutory Declarations Review.

APEA believes the representation of engineers on the list of authorised witnesses is no longer fit for purpose and needs to be enhanced to more easily meet the needs of the community.

#### **The current system**

The Association of Professional Engineers Australia (APEA) represents the interests of 24,000 professionals across Australia. Professional registration within the engineering field demonstrates a commitment both to the profession, and to the highest level of professional conduct.

To ensure the integrity of the *Statutory Declarations Act 1959*, authorised witnesses should have a demonstrable commitment to a code-of-ethics, be seen as credible in the eyes of the public and must uphold the highest standard of professional and moral integrity.

The current representation of engineers on the list of authorised witnesses states that any "Member of Engineers Australia other than at the grade of student" is considered an authorised witness. However, in the years since the inclusion of engineers on the list in 1993, Engineers Australia has altered its membership rules so that not only professional engineers, but also para-professionals such as associates and technologists became have been classified as Members by Engineers Australia.

It is also noteworthy that under the current rules, Graduate members of Engineers Australia, who may not have any work experience, are also considered suitable to be authorised witnesses.

As such, it is the view of the APEA and its membership that the representation of engineers on the list of authorised witnesses is out-dated and does not protect the interests of the public or receivers of authorised documentation.

## The new system

APEA believes that the sensible approach to assess the acceptability of an engineer as an authorised witness should relate to their professional accreditation, not to membership with one specific organisation.

Mandatory registration of all professional engineers is currently only legislated in Queensland. In other jurisdictions, professional engineers undertaking design under the National Building Code are registered by various state run bodies. In the Queensland system, professional engineers undergo assessment so that only qualified and competent Professional Engineers, with a minimum of 5 years experience are registered. There is a Government appointed Board which is responsible for administering the legislation.

It is a co-regulatory model where the Government of the day appoints assessment entities to undertake the qualification, competency and ethics assessments of Professional Engineers on behalf of the Board.

APEA (Professionals Australia) and Engineers Australia are the two largest multi-discipline assessment entities appointed under the scheme and both organisations offer national accreditation titles for Professional Engineers practicing outside of Queensland, which meet the standards of the QLD Professional Engineers Act 2002.

While registration of engineers is already required in Queensland, it is expected to be soon announced in Victoria and the ACT, and the new West Australian Premier has also committed to investigating models for engineer registration.

Bearing these points in mind, APEA proposes that “Member of Engineers Australia, other than at the grade of student” be removed, and a new Item included as the following:

**“Professional Engineers currently holding one or more of the following accreditations:**

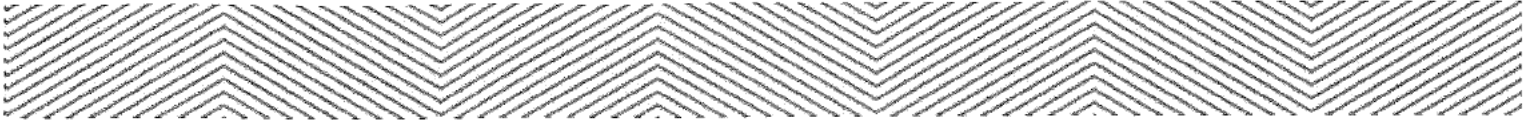
- a. Chartered Professional Engineer (CPEng) issued by Engineers Australia;**
- b. Registered Professional Engineer (RPEng) issued by Professionals Australia;**
- c. Registered Professional Engineer accredited under any State or Federal professional engineer registration scheme.”**

Chartered Professional Engineer (CPEng) issued by Engineers Australia distinguishes professionals with demonstrated professional experience from para professionals, graduates and students. Similarly, RPEng is the national accreditation for Professional Engineer members of APEA. Both require a commitment to continuing professional development and to practice ethically.

Professional Engineers who achieve any of the three accreditations above are required to adhere to a code of ethics, and are required to have a minimum of 5 years’ experience.

APEA believes the proposed amendment will enhance the integrity of the *Statutory Declarations Act 1959* and allow the public more accessibility to a Commissioner for Declarations when the need arises.

Professional Engineers are often in a position where there is a need to witness statutory declarations, for example on projects where a statutory declaration is required concerning payments to subcontractors and the like. Ready access to a Professional Engineer facilitated by the Statutory Declaration listing would be enhanced as a wider pool of eligible candidates would be defined.



For your information, a copy of our RPEng accreditation scheme's Code-of-Ethics and Responsibilities of a Registered Professional Engineer sections from the scheme's By-Laws are attached.

If you require additional information on content provided in this letter, or wish to discuss the matter further, please do not hesitate to contact me on [REDACTED]

Your consideration is greatly appreciated and I look forward to your response.

Sincerely

