Guidelines for applying for approval of assessment schemes

**Introduction**

**1 Purpose**

These ‘Guidelines for applying for approval of assessment schemes’ (Guidelines) are for organisations applying to the Business Licensing Authority (BLA) for the approval of assessment schemes under the *Professional Engineers Registration Act 2019* (the PER Act). Such organisations are referred to as ‘assessment entities’ under the PER Act and in these Guidelines.

Under the PER Act the BLA is responsible for approving assessment schemes. This includes approving:

* new assessment schemes
* variations to approved assessment schemes, and
* the renewal of assessment schemes on the expiry of their approval.

An assessment scheme sets out:

* the qualifications and experience required for the registration and endorsement of professional engineers along with the arrangements for assessing these requirements, and
* the Continuing Professional Development (CPD) requirements for the renewal of registration and endorsement.

In addition to approving assessment schemes, the BLA is responsible for registering professional engineers and endorsing them to engage in the building industry.

These Guidelines will assist assessment entities to prepare and submit assessment schemes to the BLA that meet the suitability requirements for approval set out in section 34 of the PER Act.

It is important that assessment entities comply with these Guidelines when preparing an application to the BLA as failure to meet the suitability requirements may result in delays in the processing and determination of an application by the BLA because it must:

* request further information to support an application
* require amendments to be made to a proposed assessment scheme, a proposed variation, or to an assessment scheme submitted for renewal
* impose conditions on the operation of an assessment scheme, or
* refuse to approve an assessment scheme.

These Guidelines comprise four parts.

* **Part A** – Describes the process for approving assessment schemes and the application requirements.
* **Part B** – Explains the requirements under section 34 of the PER Act that assessment schemes must meet to be approved.
* **Part C** – Details the requirements and arrangements that apply after an assessment scheme or variation has been approved by the BLA.
* **Part D** – Provides a checklist of the information that must be included in an application to the BLA for approval, and in a proposed assessment scheme or variation.

**2 Registration and endorsement requirements**

The PER Act requires any person who provides professional engineering services to be registered unless they:

* work under the direct supervision of a professional engineer who is registered to practise, or
* work only in accordance with a prescriptive standard.

A professional engineer who wishes to practise in the building industry must have their registration endorsed by the BLA. A registered professional engineer authorised to engage in the building industry is referred to as an ‘endorsed building engineer’ under the PER Act. This means that endorsed building engineers are a sub-set of registered professional engineers.

A person applying for registration may at the same time apply to become an endorsed building engineer, or a professional engineer who is already registered may subsequently apply to become an endorsed building engineer. The registration of a professional engineer and any endorsement of that registration lasts for a period of up to three years as determined by the BLA.

To be eligible for registration as a professional engineer, the PER Act requires a person to meet the qualification and experience requirements for the area/s of engineering in which they are applying for registration. The qualification and experience requirements are set out in section 9 of these Guidelines. While the qualification requirements for registration also qualify a person for endorsement, there is an additional experience requirement for eligibility for endorsement. The qualification and experience requirements for registration and endorsement set out in section 9 must be included in an approved assessment scheme.

To be eligible to renew a registration and endorsement under the PER Act a professional engineer must meet the CPD requirements provided for in an approved assessment scheme. They must declare in their renewal application to the BLA that they have completed the CPD requirement.

**3 Glossary**

The following terms and acronyms are used in these Guidelines.

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| Approved assessment scheme | Assessment scheme approved by the BLA |
| Assessment entity | Organisation administering an assessment scheme approved by the BLA |
| BLA | Business Licensing Authority |
| CPD | Continuing Professional Development |
| CPI | Consumer Price Index |
| PER Act | *Professional Engineers Registration Act 2019* |
| VBA | Victorian Building Authority |
| VCAT | Victorian Civil and Administrative Tribunal |

**PART A – The approvals process**

**4 Steps in the approval process**

The process for approving an assessment scheme is set out in Part 3 of the PER Act. Regardless of whether an application is to approve a new assessment scheme or to approve a variation or renewal of an approved assessment scheme the process includes the following steps.

1. *The assessment entity applies to the BLA* – Sections 35, 36 and 37 of the PER Act lists the information that must accompany an application.
2. *The BLA considers the application –* Under section 39 of the PER Act the BLA may by written notice require an assessment entity to provide any further information and documents it reasonably requires to make a decision on the application.
3. *The* *BLA decides the application –* Under section 40 of the PER Act, the BLA may either:
* grant the application with no conditions
* grant the application with conditions, or
* refuse the application.

Sections 42 and 43 of the PER Act respectively apply where the BLA proposes to grant an application with conditions or to refuse an application. Before making a final decision the BLA must notify the assessment entity in writing of its proposed decision and give it 28 days to reply in writing to the proposed decision.

1. *The BLA notifies the assessment entity of its decision* – The BLA must notify an assessment entity in writing as soon as practicable of its decision to grant an application without conditions (section 41) or to grant an application with conditions (section 42) or to refuse an application (section 43).

Where the BLA grants an application with conditions or refuses to grant an application, the assessment entity may apply to the Victorian Civil and Administrative Tribunal (VCAT) for a review of the decision. Under section 52 of the PER Act, an assessment entity has up to 28 days to apply to VCAT for a review of a BLA decision.

1. *The* BLA *updates the public ‘record of assessment entities’ –* The BLA must keep a public record of assessment entities that records the:
* name of each assessment entity
* contact details of each assessment entity (telephone and email address for enquiries, postal address and website address), and
* areas of engineering for which an assessment entity conducts an approved assessment scheme.

Under section 38 of the PER Act, an assessment entity must notify the BLA of any changes to the information provided in its application within 30 days of the change.

**Figure 1** below details the process, and for particular steps, the timelines for approving a new assessment scheme or approving a variation or renewal of an approved assessment scheme.

**Figure 1: Process for approving engineering assessment schemes**



*Reference: Sections 35 to 43 of the PER Act.*

**5 Applying for approval**

**5.1 Approval of a new assessment scheme**

An application for approval of a new assessment scheme must be made using the approved form - [Application for approval of an assessment scheme, renewal of or variation to an approved assessment scheme for professional engineers (Word, 75KB)](https://www.consumer.vic.gov.au/library/forms/businesses/professional-engineers/application-for-approval-variation-or-renewal-of-an-assessment-scheme.docx) - and be accompanied by:

* sufficient information to enable the BLA to make a decision on the application – the information required is set out in these Guidelines
* the new assessment scheme that is proposed for approval, and
* the application fee.

A new assessment scheme may be approved for the period set by the BLA and specified in the notice of approval but may not be more than five years. An assessment entity should state the period of approval it is seeking for its scheme in its application and give reasons why that period is appropriate.

*Reference: Sections 35 and 44 of the PER Act.*

**5.2 Approval for a variation to an approved assessment scheme**

If an assessment entity wishes to make a change to an assessment scheme during its approval period, for example to change the CPD requirements or the scheme fees (other than Consumer Price Index (CPI) adjustments), it must apply to the BLA for approval to vary the scheme before implementing the change. An application to vary an existing assessment scheme must be made using the approved form - [Application for approval of an assessment scheme, renewal of or variation to an approved assessment scheme for professional engineers (Word, 75KB)](https://www.consumer.vic.gov.au/library/forms/businesses/professional-engineers/application-for-approval-variation-or-renewal-of-an-assessment-scheme.docx) - and be accompanied by:

* sufficient information to enable the BLA to make a decision on the application – the information required is set out in these Guidelines
* the proposed variation/s, and
* the application fee for a variation.

The proposed variation/s must be shown on a copy of the existing assessment scheme as tracked changes (i.e. strikethrough of text to be removed and underlining of text to be inserted).

The approval of a variation to an approved assessment scheme does not extend the approval period for a scheme.

*Reference: Sections 37 and 44 of the PER Act.*

**5.3 Applying for approval for renewal of an assessment scheme**

An application for renewal of an assessment scheme must be made at least 28 days before the current approval of that scheme ends.

If an application for renewal is not made by this time, the approval will end, and the scheme will expire. It may take some time for a new approval of the assessment scheme to be given. In the meantime, the assessment entity will not be able to assess applicants for registration or endorsement.

However, if an assessment entity applies for the renewal of an assessment scheme before the current approval ends, section 45 of the PER Act allows the current approval to continue beyond the date it would have ended until whichever of the first events occurs:

* the BLA approves the renewal
* the BLA refuses the renewal, or
* the assessment entity is taken to have withdrawn their application for renewal because it fails to provide any information or documents required by the BLA.

If the BLA approves the renewal, the approval is taken to have been renewed from the date it otherwise would have ended.

An application for renewal must be made on the approved form - [Application for approval of an assessment scheme, renewal of or variation to an approved assessment scheme for professional engineers (Word, 75KB)](https://www.consumer.vic.gov.au/library/forms/businesses/professional-engineers/application-for-approval-variation-or-renewal-of-an-assessment-scheme.docx) - and be accompanied by the renewal application fee. The same information that must accompany an application to approve a new assessment scheme must be included with an application to renew an approved assessment scheme, that is:

* enough information must be provided to enable the BLA to decide the application, and
* a copy of the proposed assessment scheme.

An assessment scheme may be renewed for a period determined by the BLA and set out in the notice of renewal but not for more than five years. An assessment entity should state in their application for renewal the approval period they are seeking for their scheme and give reasons why that period is appropriate.

*Reference: Sections 36, 44 and 45 of the PER Act.*

**6 Preparing an application**

An assessment scheme is a document which, if approved, will be relied on by registered professional engineers, the BLA, the Victorian Building Authority (VBA) in the case of endorsed professional engineers, courts, VCAT, and members of the engineering profession. Therefore, an assessment scheme must be complete, clear, and concise.

An assessment scheme submitted for approval must:

* be written in plain English
* have a contents page
* have consecutively numbered paragraphs, and
* have page numbers.

An assessment scheme must not:

* use documents or requirements for a membership scheme the assessment entity administers – if an assessment entity wishes to do this it must reproduce and relabel the documentation/s or requirements for inclusion in its proposed assessment scheme, and
* attach printed copies of pages from the assessment entity’s website, link or reference pages from that website, or include or attach any documents which are not relevant to the proposed assessment scheme.

Any documents referenced or included in or attached to a proposed assessment scheme form part of that scheme once it is approved. Therefore, these documents cannot be changed or amended unless the BLA approves the variation. Only variations approved by the BLA may be made to an assessment scheme.

**7 How to apply**

An application for approval, variation or renewal of an assessment scheme may be made to the BLA at blaengineers@dgs.vic.gov.au.

It may take up to three months from the date of application for a decision to be made by the BLA.

If you have any questions, contact the BLA at blaengineers@dgs.vic.gov.au.

**PART B – Requirements for suitability of assessment schemes**

**8 The requirements under the Professional Engineers Registration Act**

Section 34 of the PER Act lists nine requirements that an assessment scheme must meet to be suitable for approval by the BLA.

The requirements apply to assessment schemes and to the assessment entities conducting those schemes.

The requirements applying to assessment schemes include that the scheme:

* adequately provides for the assessment of qualifications and competencies of engineers in an identifiable area of engineering i.e. structural, civil, mechanical, electrical and fire safety engineering *(sub-section 34(a))*
* is consistent with national and international standards for the recognition of professional engineers *(sub-section 34(b))*
* includes procedures for the assessment of applicants for registration and endorsement that are conducted in an independent and professional manner *(sub-section 34(c))*
* includes adequate CPD requirements for professional engineers and an effective audit program to ensure registration and endorsement requirements are met *(sub-section 34(f)),* and
* has any fees for the assessment of qualifications and competencies that are reasonable having regard to the scope of the services being offered *(sub-section 34(e)).*

The requirements applying to assessment entities include that the entity:

* engages competent people to perform assessments of applicants for registration and endorsement and has proven procedures for training and accrediting those people who will perform the assessments *(sub-section 34(g))*
* has adequate procedures for monitoring and improving the assessment process carried out under the scheme *(sub-section 34(d))*
* has the financial capacity and facilities to conduct assessments of qualifications and competencies *(sub-section 34(h))*, and
* has a proven capacity to undertake independent and authoritative assessments in a timely manner *(sub-section 34(i)).*

These suitability requirements apply to the approval of new assessment schemes, and to the variation and renewal of approved assessment schemes.

Each of these suitability requirements is explained in detail in the following sections.

**9 Assessment of qualifications and experience**

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| An assessment scheme is suitable for approval if it: * adequately provides for the assessment of qualifications and competencies of engineers in an identifiable area of engineering, and
* is consistent with national and international standards for the recognition of professional engineers.

Reference: Sub-sections 34(a) and 34(b) of the PER Act. |

To be eligible for registration under section 12((1)(a) of the PER Act, an applicant must meet the qualifications and experience required for each area of engineering for which they are applying for registration. Section 12 allows for the required qualifications and experience to be specified in an assessment scheme. Therefore, an assessment scheme must require a person applying for assessment for registration and endorsement to meet the requirements in either sections 9.1 **and** 9.2, **or** in section 9.3 below.

**9.1 Qualifications**

For each of the prescribed areas of engineering for which an applicant is applying for registration and endorsement, if applicable, they must have successfully completed either—

1. An under-graduate Bachelor of Engineering degree or post-graduate Master of Engineering degree in either **structural, civil, electrical, mechanical and/or fire safety** or related area of engineering that is relevant to the area/s of engineering in which registration is sought, and is accredited by a signatory to the Washington Accord 1989, as amended from time to time.

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| **Explanatory notes*** These qualifications comprise all qualifications accredited at the level of ‘Professional Engineer Washington Accord’ including those that are no longer offered at that level.
* For Australia, these qualifications are listed in the ‘Accredited Engineering Program Directory’ at <https://www.engineersaustralia.org.au/About-Us/Accreditation/Accredited-Engineering-Program-Directory>
* Overseas qualifications accredited under the Washington Accord are listed on Washington Accord signatory websites, which can be accessed from <https://www.ieagreements.org/accords/washington/signatories/>
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**OR**

1. An under-graduate Bachelor of Engineering degree or post-graduate Master of Engineering degree in **civil, structural, electrical or mechanical** or related area of engineering that is relevant to the area/s of engineering in which registration is sought, and is accredited by a signatory to the Washington Accord 1989, as amended from time to time **plus** an under-graduate or post-graduate level qualification specialising in fire safety engineering offered by an Australian or overseas university.

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| **Explanatory notes*** This pathway is only for the assessment of professional engineers applying for registration in the area of fire safety engineering.
* Examples of qualifications specialising in fire safety engineering are:
* Western Sydney University Master of Fire Safety Engineering
* University of Queensland Master of Engineering Science in Fire Safety Engineering, and
* University of Edinburgh (United Kingdom) Master of Science in Structural and Fire Safety Engineering.
* The universities providing qualifications specialising in fire safety engineering and the names of relevant qualifications may change over time.
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**OR**

1. An Australian or overseas non-Washington Accord academic qualification in a relevant area/s of engineering (structural, civil, electrical, mechanical and/or fire safety or related area of engineering) that has been assessed as substantially equivalent to an accredited Washington Accord under-graduate Bachelor of Engineering degree or a post-graduate Master of Engineering degree by:
* the signatory to the Washington Accord 1989, as amended from time to time, for the country where the qualification was obtained, or
* an assessing authority listed in the Commonwealth –
* Migration (LIN 19/051: *Specification* of Occupations and Assessing Authorities) Instrument 2019
* Migration (LIN 19/260: Assessing Authorities for Subclass 494 Visas) Instrument 2019, or
* Migration (LIN 19/049: Specification of Occupations and Assessing Authorities— Subclass 186 Visa) Instrument 2019

where the applicant is applying for a visa under the Australian Government Skilled Migration Program.

 An assessment scheme administered by an assessment entity that is not a signatory to the Washington Accord or an assessing authority for the Australian Government Skilled Migration Program. must make provision for an applicant seeking a qualification equivalency assessment to be referred to a signatory or assessing authority, as appropriate, for that assessment.

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| **Explanatory notes*** A list of signatories to the Washington Accord and links to their websites is available at <https://www.ieagreements.org/accords/washington/signatories/>
* Engineers Australia is the migration assessing authority for the areas of structural, civil, electrical, mechanical and fire safety engineering. A list of the skilled occupations and the assessing authorities is available at <https://immi.homeaffairs.gov.au/visas/working-in-australia/skill-occupation-list>
* An assessment scheme must require a person applying for assessment of the equivalency of an academic qualification to pay all fees associated with the assessment by the assessing authority.
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**AND**

**9.2 Experience**

For each of the prescribed areas of engineering for which an applicant is applying for registration and endorsement, if applicable, they have —

1. Gained five years of engineering experience in the relevant area/s of engineering, of which at least four years must be post-graduate experience, and for applicants applying for registration as a ‘practising’ professional engineer, the experience was gained in the last 10 years.

An assessment scheme may provide for an assessment entity to accept a shorter period of experience provided the applicant:

* meets the competency requirements listed in sections 9.2(b) and (c) below, as relevant, and
* is assessed by the assessment entity as competent to provide professional engineering services without direct supervision.

An assessment scheme must outline the criteria that will be used to apply this discretion to the assessment of an applicant’s experience on a case-by-case basis.

**AND**

1. Demonstrated competency in the following five elements of competence from the ‘Australian Engineering Competency Standards Stage 2: Experienced Professional Engineer’ in a relevant area/s of engineering:
* Element 1 – Deal with ethical issues
* Element 2 – Practice competently
* Element 4 – Develop safe and sustainable solutions
* Element 6 – Identify, assess and manage risks, and
* Element 13 – Engineering knowledge – according to their area of practice including a knowledge of standards and practices.

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| **Explanatory notes*** Experience may be gained working full time or part time.
* The Stage 2 Competency Standards dated 12 June 2012 as determined by the Australian signatory to the Washington Accord are published at <https://www.engineersaustralia.org.au/sites/default/files/content-files/2016-12/competency_standards_june.pdf>
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**AND**

1. If applying for assessment with the intention of applying to the BLA to become an endorsed building engineer, demonstrated knowledge and practical application of:
* Victorian building laws and standards, and
* the operation and use of the National Construction Code as it applies to the relevant area/s of engineering (structural, civil, electrical, mechanical and/or fire safety engineering).

**OR**

**9.3 Competencies**

As an alternative to the qualification and experience requirements specified in sections 9.1 and 9.2 above, that an applicant has been certified by a signatory to the Washington Accord 1989, a member of the International Engineering Alliance competency agreements for professional engineers – International Professional Engineers Agreement and APEC Agreement *–*as amended from time to time, or an entity licensed by a signatory to the Washington Accord 1989 and otherwise satisfactory to the BLA, as having demonstrated substantial equivalence with the competencies and outcomes of:

1. a Washington Accord undergraduate Bachelor of Engineering degree or postgraduate Master of Engineering degree, **and**
2. the experience requirement set out in section 9.2 above.

In assessing whether an applicant has demonstrated the required competencies and outcomes an assessment entity must take into consideration any:

* academic qualifications, courses and training undertaken by an applicant
* professional memberships achieved by an applicant and the assessment outcomes to achieve those memberships, and
* professional engineering experience gained by an applicant.

An assessment entity must use two or more of the following methods to assess an applicant’s competence:

* evidence reports from work experience
* evidence of completion of top-up courses
* interviews
* professional referee checks
* examinations
* simulation and scenario exercises
* assignments, or
* other identified methods.

An assessment scheme must outline the approach and procedure the assessment entity administering an approved scheme will follow to assess an applicant’s competencies.

An assessment scheme administered by an assessment entity that is not a signatory to the Washington Accord must make provision for an applicant seeking a competency assessment to be referred to a signatory for that assessment.

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| **Explanatory notes*** A list of signatories to the Washington Accord and members of International Engineering Alliance competency agreements and links to their websites is available at:
* <https://www.ieagreements.org/accords/washington/signatories/>
* <https://www.ieagreements.org/agreements/ipea/>, and
* <https://www.ieagreements.org/agreements/apec/>
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A review of this competency pathway will be undertaken during the first five-year term of the operation of assessment schemes. Therefore, subject to the outcome of that review, an assessment scheme that is in operation on 30 June 2026 must provide for this competency assessment pathway to expire on 30 June 2026.

**9.4 Membership schemes and national engineering registers**

Where an assessment entity has a membership scheme that has entry requirements that are equal to or higher than the qualification and experience or competency requirements set out in sections 9.1, 9.2 and 9.3, and a person who applies for assessment for registration or endorsement, as applicable:

* is a member of that scheme in the category of professional engineer, or
* has been assessed in the last 12 months as being eligible to be a member of that scheme in the category of professional engineer

an assessment scheme should not require that person to be re-assessed but instead issue that person with an assessment report for the relevant area/s of engineering.

For example, this will apply to a structural, civil, electrical, mechanical and/or fire safety engineer who is applying for assessment for registration only and who:

* is registered in the category of professional engineer on the National Engineering Register (NER) hosted by Engineers Australia, or is on the Australian Professional Engineers Register [APER] hosted by Professionals Australia, or
* has been assessed in the last 12 *months* as being eligible to be registered on the NER or on the APER in the category of professional engineer.

However, a person who is applying for assessment for endorsement of a registration will need further assessment if the assessment entity’s membership scheme does not include the competencies in section 9.2(c).

**9.5 Mutual recognition**

An assessment scheme must require the assessment entity that administers the approved scheme to not conduct an assessment for a person who is registered under a mandatory statutory registration scheme for professional engineers in another Australian state or territory or New Zealand but instead refer that person to Consumer Affairs Victoria for advice on mutual recognition.

**9.6 Report on assessment of qualifications and experience**

An assessment scheme must require the assessment entity that administers the approved scheme to report the outcome of the assessment of a person’s qualifications and experience on the approved form.

**9.7 Applicants for assessment of qualifications and experience**

An assessment scheme must require:

* the assessment entity that administers the approved scheme to accept applications for assessment from both members and non-members, and
* members and non-members to comply with the qualification, experience and competency requirements in the entity’s approved assessment scheme.

**9.8 Publication of qualification and experience requirements**

An assessment entity must:

* publish the qualification and experience requirements in an approved assessment scheme on its website, and
* on request, give a copy of the qualification and experience requirements in an approved assessment scheme to a person applying for assessment.

**10 Assessments are independent and professional**

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| An assessment scheme is suitable for approval if it includes procedures for the assessment of applicants for registration and endorsement that are conducted in an independent and professional manner.Reference: Sub-section 34(c) of the PER Act. |

**10.1 Professional assessments**

To ensure that the qualifications and experience of people applying for assessments are undertaken in a professional manner, an assessment scheme must include the criteria and procedures listed in **Table 1** below to be suitable for approval. An assessment scheme must only assess applicants in accordance with the criteria and procedures set out in the approved assessment scheme.

| **Table 1: Assessment scheme criteria and procedures for professional assessments** |
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| **Areas of evidence** | **Person applying for assessment** | **Assessor conducting an assessment** |
| Evidence of qualifications | An assessment scheme must require a person applying for assessment to provide the original or a certified copy of each document provided as evidence of their qualifications. | An assessment scheme must require an assessor to personally sight the documents provided by an applicant and ensure that any certified copies are certified by an appropriately authorised person. |
| Evidence of practical experience  | An assessment scheme must require a person applying for assessment to provide:* a curriculum vitae or career record evidencing their experience as a professional engineer, and
* the name and contact details of a person(s) who can confirm the experience claimed including, where possible, a person who supervised the applicant.
 | An assessment scheme must require an assessor to verify the applicant’s experience by contacting the referee(s).  |
| Evidence of supporting competence | An assessment scheme must require a person applying for assessment to provide:* examples of work they have undertaken or a competency report to demonstrates they have the required Stage 2 elements of competency, and
* the name and contact details of a person(s) who can confirm that they undertook the work themselves.
 | An assessment scheme must require an assessor to:* verify that the examples of work were undertaken by the applicant by contacting the referee(s) or verify the competency report by contacting the organisation issuing the competency report or by other suitable means
* review the examples of work and test the applicant’s knowledge and authorship of the work at interview, and
* test whether the applicant has the required Stage 2 elements of competency,
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| Evidence of ability to carry out professional engineering services without supervision | An assessment scheme must require a person applying for assessment to provide a number of written references attesting to their ability to carry out and take full professional responsibility for professional engineering services without supervision within the area of engineering for which they are being assessed. | An assessment scheme must require an assessor to verify the references provided by an applicant by contacting the referees. |

An assessment scheme must require the assessor to interview a person applying for assessment. If the interview is in person, the assessor must verify the identity of the person being interviewed using photographic identification (e.g. driver’s licence, passport). If the interview is conducted by video conference, the assessor must, in an appropriate way, verify the identity of the person being interviewed and confirm that they are not being assisted with the interview by another person.

**10.2 Independent assessments**

To ensure the independence of assessments, an assessment scheme must require:

* an assessor to make a written declaration that in relation to both the person applying for assessment and the assessment stating that:
* they have no actual, perceived, or potential conflict of interest
* they have no bias, and
* there are no facts or circumstances that might give rise to a reasonable apprehension that they have a bias, and
* that an assessor who declares an actual, perceived, or a potential conflict of interest in an assessment will not be appointed to conduct that assessment.

An assessment scheme must allow a person who is aggrieved by the outcome of an assessment to apply for a review of the assessment, and for a fee to be charged for the review that will be refunded if the review finds in favour of that person.

**11 Continuing professional development requirements**

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| An assessment scheme is suitable for approval if it includes adequate CPD requirements for professional engineers and an effective audit program to ensure registration and endorsement renewal requirements are met.Reference: Sub-section 34(f) of the PER Act. |

To be eligible to renew a registration and endorsement under the PER Act a professional engineer must meet the CPD requirements provided for in an approved assessment scheme. Therefore, an assessment scheme must include the requirements in section 11.1 below.

**11.1 CPD requirements**

***11.1.1 A professional engineer registered as ‘practising’ during the last three years***

* If the applicant worked full-time as a registered practising professional engineer –150 hours of structured CPD in the last three years irrespective of the area/s in which they are registered.
* If the applicant worked part-time as a registered practising professional engineer or took a career break – 90 hours of structured CPD in the last three years irrespective of the area/s in which they are registered.

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| A career break is a period of a minimum of three months during the last three years during which a person does not work as a professional engineer due, for example, to illness, travel, parental or carers leave, sporting commitments, cultural or ceremonial commitments, broadening knowledge and skill or unemployment.  |

***11.1.2 A professional engineer registered as ‘non-practising’ during the last three years***

* 90 hours of structured CPD in the last three years.

***11.1.3 A professional engineer who changed their registration between ‘practising’ and ‘non-practising’ during the last three years***

* If an applicant worked full-time as a practising professional engineer before transferring their registration to non-practising or vice versa – pro-rata based on the time working as a registered practising professional engineer and the time registered as a non-practising professional engineer.

***11.1.4 Exemptions from CPD***

A person who is registered under a mandatory statutory registration scheme for professional engineers in another Australian state or territory or New Zealand that requires them to complete an equivalent amount of CPD is not required to complete CPD to renew their registration under the PER Act.

***11.1.5 CPD areas and activities***

The requirements for the areas of CPD and the types of CPD activities are set out in **Table 2** below.

| **Table 2: CPD areas and activities** |
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| Areas of CPD training | * At least 33 per cent of CPD hours must relate to technical matters relevant to the area/s of engineering in which the applicant is registered.
* The remaining CPD should be in related areas, for example, project management, ethics and law, risk management, communication, health and safety programs, occupational health and safety training and mentoring junior engineers.
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| Types of CPD activity | 1. Formal post-graduate study or tertiary course units whether or not undertaken for award purposes – no limit.
2. Short courses, workshops, webinars, seminars and discussion groups, conferences, technical inspections and meetings – no limit.
3. Learning activities in the workplace that extend competence in the regulated or a related area/s of engineering – maximum 75 hours.
4. Research which extends knowledge and skills – maximum 57 hours.
5. Private study (engineering journals and magazines) which extend knowledge and skills – maximum 18 hours.
6. Service to the engineering profession (volunteer work, mentoring) – maximum 50 hours.
7. Publishing of articles in technical forums and preparation and presentation of papers for courses, conferences, seminars, etc - maximum 45 hours per paper or 75 hours per paper for papers subject to critical peer review before publication.
8. Professional engineers employed in tertiary teaching or academic research and registered as ‘practising’ – minimum of 40 hours of industry involvement in any three-year period.
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The CPD requirements in an assessment scheme cannot be changed during the period of approval for a scheme unless the change has been approved by the BLA following an application for variation of an assessment scheme.

**11.2 Applicants for assessment of CPD**

While an assessment entity that administers an approved assessment scheme will not be responsible for CPD for professional engineers who have not attained membership of the assessment entity, an assessment scheme must require an assessment entity to make CPD training available to both members and non-members.

**11.3 Publication of CPD requirements**

An assessment entity must:

* publish the CPD requirements in an approved assessment scheme on its website, and
* on request, give a copy of the CPD requirements in an approved assessment scheme to a person wishing to undertake CPD with the assessment entity in order to meet the requirements to renew their registration.

**11.4 Annual CPD audit program**

An assessment scheme must include an effective audit program to ensure the integrity of the renewal of registrations and endorsements. The audit program will only apply to professional engineers who have attained membership of an assessment entity that administers an approved assessment scheme.

To meet this requirement an assessment scheme must include the information set out in **Table 3** below in relation to the assessment entities CPD audit program.

| **Table 3: CPD audit program requirements** |
| --- |
| Number of audits  | An assessment scheme must require that the CPD records of all members who are registered with the assessment entity for the purposes of CPD be audited within a seven-year period (or 15 per cent a year). The BLA will use information obtained through the registration renewal process to select professional engineers for a CPD audit and advise an assessment entity of the names of the professional engineers they are to audit. |
| Nature of audits | An assessment scheme must require that the audit is against the CPD requirements in the assessment scheme and not against the criteria for other memberships schemes administered by the assessment entity.  |
| Auditor training | An assessment scheme must:* require CPD audits to be carried out by auditors who are appropriately trained and accredited in conducting audits
* set out the procedures for training and accrediting auditors that, among other strategies, require a trainee auditor to:
* satisfactorily perform a mock audit/s, or
* be supervised to conduct their first audits, or
* conduct their first audits jointly with an experienced auditor

 before being accredited as an auditor.  |
| Auditor conflict of interest | An assessment scheme must require an auditor to make the same conflict of interest declaration as an assessor, see section 10.2 above, with respect to both the person being audited and conducting an audit, and where a conflict of interest is declared, not be appointed to conduct the audit. |
| Review of audit outcome | An assessment scheme must:* allow a person who is aggrieved by the outcome of an audit to apply for a review of the audit
* allow a fee to be charged for the review that will be refunded if the review finds in favour of that person, and
* set out the action that will be taken if a review of an audit or a complaint about an auditor identifies an issue that requires training, monitoring or termination of their role as auditor.
 |
| Reporting to the BLA | An assessment scheme must require the assessment entity that administers the approved scheme to notify the BLA in writing:* within three months after 30 June each year of the results of its audit program for the previous financial year including the –
* number of audits that were conducted
* audit selection criteria and process, and
* results of the audits conducted
* within seven days if a person selected for an audit refuses to participate in the audit for a period of more than 30 days after being requested to do so, and
* within seven days if a review of an audit identifies an error in an audit.
 |

**12 Fees for assessments**

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| An assessment scheme is suitable for approval if any fees imposed under the scheme for the assessment of qualifications and competencies are reasonable having regard to the scope of the services being offered.Reference: Sub-section 34(e) of PER Act. |

An assessment entity is responsible for setting the fees for the assessment scheme it administers. However, in setting fees an assessment entity must ensure that the fees are affordable to early career engineer so as not to create a barrier to them obtaining registration and carrying out professional engineering services without supervision as soon as they have the competency to do so.

An assessment scheme:

* must set out the fees that will be charged by the assessment entity
* must set fees that are reasonable having regard to the scope of the services being offered
* must only set fees for –
* assessing a person’s qualifications, experience and competencies and issuing a report on the outcome of that assessment and conducting a review of that assessment, and
* conducting a review of the outcome of an assessment audit and a CPD audit, and
* may provide for fees to be indexed in accordance with CPI.

To enable a person applying for assessment to assess the reasonableness of the fees and to decide which assessment scheme to apply under for an assessment, an assessment entity must:

* publish the fee for an approved assessment scheme on its website
* give a copy of the fees for an approved assessment scheme to a person applying for assessment of their qualifications and experience on request, and
	+ state the fees in Australian dollars.

An assessment scheme must not require an applicant to be, or to become, a member of the administering entity but may provide a discounted assessment fee for its members.

The fees in an assessment scheme cannot be changed during the period of approval for a scheme unless the change has been approved by the BLA following an application for variation t the assessment scheme.

Note that this section is concerned with ‘fees for assessments’ and, therefore, does not limit the fees an assessment entity administering an approved assessment scheme may set for other activities it undertakes relating to the registration and renewal of the registration of professional engineers, such as the delivery of CPD, audit of CPD and audit of assessments.

**13 Assessors**

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| An assessment scheme is suitable for approval if the assessment entity conducting the scheme engages competent people to perform assessments of applicants for registration and endorsement and has proven procedures for training and accrediting those people who will perform the assessments.Reference: Sub-section 34(g) of the PER Act. |

An assessor is the person responsible for undertaking an assessment of applicant’s qualifications and experience and for making an assessment decision. An assessor may take advice from an expert on a particular matter, as required.

An assessor must be appropriately qualified, competent and experienced.

An assessment scheme must set out:

* the qualifications required to be an assessor which, among other requirements, must include that an assessor is –
* a registered professional engineer or meets the qualification and experience requirements for registration, and
* competent in the area(s) of engineering in which the person applying for assessment is being assessed, and
* the procedures for –
* training assessors which, among other strategies, must require a trainee assessor to:
* satisfactorily perform a mock assessment/s, or
* be supervised to conduct their first assessment/s, or
* conduct their first assessment/s jointly with an experienced assessor

before being accredited as an assessor, and

* the procedure for accrediting assessors that will ensure they have the qualifications, competencies, and training necessary to conduct assessments in an independent and professional manner.

**14 Adequate procedures for monitoring and improvement**

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| An assessment scheme is suitable for approval if it has adequate procedures for monitoring and improving the assessment process carried out under the scheme.Reference: Sub-section 34(d) of PER Act. |

**14.1 Assessment audits**

An assessment scheme must require the assessment entity administering an approved scheme to audit at least 15 per cent of the assessments it undertakes each year. This audit program will provide a mechanism for monitoring the assessment process and ensuring that audits are conducted in accordance with the assessment scheme.

Assessment audits are subject to the same requirements for CPD audits set out in Table 3 in section 11.4 above:

* people should be selected for an assessment audit based on a combination of risk and random selection
* audits must be carried out by auditors (who may be an assessor) who are appropriately trained and accredited in conducting audits and accredited under the assessment scheme
* auditors must be required to make the same conflict of interest declaration as an assessor, see section 10.2 above, with respect to the person being audited and conducting an audit, and where a conflict of interest is declared, not be appointed to conduct the audit, and
* procedures must be in place for aggrieved people to apply for a review of the audit.

An assessment scheme must require the entity administering the approved scheme to report to the BLA on:

* how assessments were selected for audit
* the number of audits undertaken, and
* the results of the audits including where an application:
* was found to not have the required qualifications and experience including because of fraud, dishonesty, deception, or similar conduct, or
* there are other concerns with the assessment.

**14.2 Scheme review**

An assessment scheme must require the assessment entity administering the approved scheme to review its administration of the scheme every year and identify potential areas for improvement, and to report the outcome of the review to the BLA within six months after 30 June each year.

**15 Financial capacity**

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| An assessment scheme is suitable for approval if the assessment entity conducting the scheme has the financial capacity and facilities to conduct assessments of qualifications and competencies.Reference: Sub-section 34(h) of PER Act. |

An assessment entity applying for approval, variation or renewal of an assessment scheme must provide the following information with its application:

* financial statements for the last three financial years for the entity that will fund the assessment scheme and that will receive the fees relating to the scheme
* how the assessment scheme will be funded on an ongoing basis including the –
* administration of applications (such as receiving applications, verifying identity and qualification requirements, and allocating applications to assessors)
* training and employment of assessors
* monitoring and improvement of the scheme, and
* CPD and assessment audit requirements of the scheme
* the number of assessors currently available as well as the number of administrative staff who will receive and process applications and the time they will allocate to these duties
* the location of assessment and administrative staff i.e. in Victoria, other Australian states and territories or overseas, and
* for applications for renewal or variation of a scheme only – the number of people assessed under your current assessment scheme in the last three years (and any past trends and predicted trends in the number of people assessed and how future demands will be met).

Note: This information should be included in the application for approval but not in the assessment scheme.

**16 Proven capacity to undertake assessments**

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| An assessment scheme is suitable for approval if the assessment entity conducting the scheme has a proven capacity to undertake independent and authoritative assessments in a timely manner.Reference: Sub-section 34(i) of the PER Act. |

An assessment scheme must require an assessment entity administering the approved scheme to:

* assess a person applying for assessment within 90 days of receiving their application for assessment, and
* have the capacity and ability to quickly resource its assessment functions, including sourcing and training any new assessors, to meet any unexpected increases in future demand for assessments.

**17 Other administrative requirements**

An assessment scheme must require that:

* the identity of a person applying for assessment is verified using a recognised 100-points identification check
* personal information collected by conducting assessments is held and managed by the assessment entity in accordance with the Victorian *Privacy and Data Protection Act 2014*, the Victorian *Health Records Act 2001, the National privacy Principles* contained in schedule 3 of the Commonwealth Privacy Act 1988 and other relevant laws
* copies of documents requiring certification are certified by an appropriately authorised person, and
* people applying for assessment who have documents in a language other than English, provide those documents translated into English in accordance with the following guidelines:
* if the documents are translated within Australia the translator must be accredited by the National Accreditation Authority for Translators and Interpreters (NAATI) – [www.naati.com.au](http://www.naati.com.au) – the Australian Institute for Interpreters and Translators (AUSIT) Directory of Translators provides a current list of qualified, active AUSIT members who have NAATI accreditation in translating at [www.ausit.org](http://www.ausit.org), and
* if the documents are translated in a country outside Australia the translator must be approved by the authority in the country where the translation was made – the International Federation of Translators (IFT) at <https://www.fit-ift.org/> provides a list of translation associations, some approved by authorities to provide certified translation.

**Part C – Requirements and arrangements following approval**

**18 Publication of an approved scheme**

An assessment entity must publish an approved assessment scheme and any conditions imposed on the approval on its website within 14 days of approval of the scheme. The approved scheme and any conditions must remain published on the assessment entity’s website for the term of the period of approval of the assessment scheme.

**19 Varying an approved scheme**

An assessment entity must not vary an approved scheme unless the variation has been approved by the BLA.

**20 Record keeping**

As assessment entity must keep sufficient records of its activities under an approved assessment scheme to enable its operations to be audited for compliance with that scheme from time to time for or on behalf of the BLA.

**21 Audits of assessment entity**

An assessment entity must agree to submit to audits of its compliance with its approved assessment scheme when requested to do so by or on behalf of the BLA.

Audits may be conducted at any time. An assessment entity should expect to be audited at least twice during the period of approval of their assessment scheme. An assessment entity must make its best effort to cooperate with the auditor.

**22 Suspending or cancelling an assessment scheme**

The grounds on which the BLA may suspend or cancel the approval of an assessment scheme are listed in section 47 of the Act and include:

* the approval was granted because of a materially false or misleading representation or declaration
* the assessment scheme stops being suitable for approval, or
* the assessment entity has –
* intentionally or recklessly assessed an applicant for registration as having the required qualifications or competencies
* contravened a condition of the approval, or
* contravened a provision of the PER Act.

The process for determining whether there are grounds to suspend or cancel the approval of an assessment scheme are detailed in sections 48 to 51 of the PER Act.

**Part D – Checklists of key requirements**

**23 Checklist for an application for approval**

|  |  |
| --- | --- |
| 1. Includes your business name and contact details - telephone and email address for enquiries, postal address and website address.
 |  |
| 1. Lists the area/s of engineering covered by the proposed assessment scheme (structural, civil, electrical, mechanical and/or fire safety) and states whether the scheme will cover registration and endorsements.
 |  |
| 1. Provides enough information to enable the BLA to decide an application for approval.
 |  |
| 1. Attaches a copy of the proposed assessment scheme or variation proposed to an approved assessment scheme.
 |  |
| 1. States the period of approval sought for a proposed assessment scheme (including renewal of an approved scheme) and gives reasons why that period is appropriate.
 |  |
| 1. If the application is to vary a proposed assessment scheme, shows the proposed variation/s as tracked changes on a copy of the approved assessment scheme.
 |  |
| 1. If the application is to renew an approved assessment scheme, it is being made at least 28 days before the current approval ends.
 |  |
| 1. Includes the financial capacity information requested in section 15.
 |  |
| 1. States that the assessment entity will keep records of its activities under the assessment scheme, if approved, and will submit to compliance audits by or on behalf of the BLA.
 |  |

**24 Checklist for a proposed assessment scheme or variation**

|  |  |
| --- | --- |
| 1. States that the assessment entity will comply with the assessment scheme.
 |  |
| 1. States that the assessment scheme will not be varied without the approval of the BLA.
 |  |
| 1. Advises that the assessment scheme and any conditions will be published on the assessment entity’s website within 14 days of being approved.
 |  |
| 1. Lists the area/s of engineering covered by the proposed assessment scheme (structural, civil, electrical, mechanical and/or fire safety) and states whether the scheme will cover registration and endorsements.
 |  |
| 1. Is complete, clear, and concise and meets all the requirements in section 6.
 |  |
| 1. Includes the qualification, experience and competency requirements specified in sections 9.1, 9.2 and 9.3.
 |  |
| 1. Outlines the approach and procedures that will be followed to assess an applicant’s competencies as required by section 9.3.
 |  |
| 1. Allows for the assessment of non-members qualifications and experience (section 9.6), and non-members to complete CPD training (section 11.2).
 |  |
| 1. Details the criteria and procedures that will be used to assess an applicant’s qualifications and experience, and that the criteria and procedures include the requirements specified in section 10.1.
 |  |
| 1. Requires assessors and auditors to sign the conflict of interest declaration and meet the requirements outlined in section 10.2, 11.4 and 14.1.
 |  |
| 1. Includes the CPD requirements specified in section 11.1.
 |  |
| 1. Describes the assessment entity’s annual program of assessment and CPD audits, which include the requirements listed in section 14.1 (assessment audits) and 11.4 (CPD audits).
 |  |
| 1. Sets out the fees for assessments and reviews and that these fees are reasonable and meet the requirements in section 12.
 |  |
| 1. Details the process for ensuring that assessors are appropriately qualified, competent and experienced, which includes the requirements in section 13.
 |  |
| 1. Outlines the arrangements for training and accrediting assessors (section 13) and auditors (sections 11.4 and 14.1).
 |  |
| 1. Include the performance criteria for undertaking assessments and responding to increased demand listed in section 16.
 |  |
| 1. Commits to reporting to the BLA as required and, in particular, in relation to the outcomes of CPD audits (section 11.4) and assessment audits (section 14.1).
 |  |
| 1. Includes the verification of identity and document verification, certification and translation requirements listed in section 17.
 |  |
| 1. Provides for an annual review of the scheme and report to the BLA.
 |  |