Accreditation Scheme for Certifiers
under the
Environmental Planning and Assessment Act (NSW)

July 2000

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INSTITUTION OF ENGINEERS, AUSTRALIA

ACCREDITATION SCHEME FOR CERTIFIERS UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (NSW)
(as amended to 1999)

1. INTRODUCTION

1.1 The following provides information on the Institution of Engineers, Australia (IEAust) as an accreditation body under the provisions of the Environmental Planning and Assessment Act 1979 (the Act).

1.2 The document provides information on:
- IEAust resources and capabilities;
- the accreditation scheme;
- the class of matters for which IEAust will accredit certifiers;
- the competencies required of practitioners wishing to be accredited;
- the administration of the accreditation system;
- complaints handling mechanisms and associated disciplinary rules.

1.3 The accreditation scheme is based on an assessment of competencies of practitioners wishing to become accredited and is designed to meet the requirements of the legislative framework as set out in the Act and regulations.

2. IEAUST RESOURCES AND EXPERTISE

2.1 Administrative Capacity

2.1.1 IEAust currently maintains successful national registration schemes for professional engineers and engineering technologists, and has more than sufficient administrative capacity to manage an accreditation system as set out below. The basic framework includes:
- establishment by Royal Charter;
- well-developed resources and systems;
- appropriate quality-assured management systems;
- registered offices in all States and Territories; and
- adequate asset backing (including insurance).

2.1.2 IEAust was formed in 1919, granted a Royal Charter in 1938, and now operates under the terms of its most recently updated supplemental Royal Charter, granted in 1998. It has over 60,000 members and is governed by its members through elected representatives at the National, State and Territory and regional level.

2.1.3 IEAust maintains at least one office in each State and Territory and a National Office in Canberra. Members from NSW are serviced by Division offices in metropolitan Sydney, Newcastle and Canberra, by a Western Sydney Regional Office near Penrith and an Illawarra/Sutherland Regional Office in Wollongong.
2.1.4 The average staffing level for the organisation is approximately 150 Australia wide. At present, 19 staff members are based in the NSW offices. National office staff provides additional support for particular programs. The accreditation of certifiers will be primarily handled through the respective Division offices, with administrative support provided by the National office. Disciplinary matters will also be dealt with within NSW, with administrative support from the National Office.

2.1.5 IEAust’s financial position is sound.

2.2 IEAust activities

2.2.1 IEAust represents all engineering disciplines. It promotes and advances the science and practice of engineering, ensuring that the community is well served by its engineering resources. It works to encourage the mobilisation of Australia’s technological capacity to ensure sustained and sustainable development and to maximise its contribution to the social, economic and environmental growth of the country.

2.2.2 IEAust undertakes a diverse range of activities, including:
- accreditation of university engineering courses in Australia;
- provision of programs of continuing education and professional development;
- provision of a publishing and conference program; and
- involvement in community debate on relevant issues.

2.2.3 IEAust is recognised in Australia and overseas as the key body representing the engineering profession in Australia, responsible for professional registration and certification. Examples of such recognition include delegation to IEAust by the National Office for Overseas Skills Recognition of responsibility for assessing migrant qualifications, and its recognition by the Commonwealth Government as the National Competency Authority for professional engineers. IEAust is therefore capable of establishing and enforcing standards and policies for a self-regulating engineering profession.

3. ACCREDITATION SYSTEM

3.1 Overview

3.1.1 In response to community and government demand for effective self-regulation by professions, IEAust in partnership with the Association of Consulting Engineers Australia (ACEA) and the Association of Professional Engineers, Scientists and Managers Australia, (APESMA) established the National Professional Engineers Register (NPER), providing a reliable framework for recognition of competent professional engineering practitioners. Entry to NPER will form the basis for accreditation of certifiers.

3.1.2 IEAust defines and recognises the competence of professional engineers and other members of the engineering team, including engineering officers and engineering technologists. Their qualifications and experience differ from those of professional engineers. However, in certain specialised areas of practice, including some that are relevant to this scheme, the competence of engineering technologists overlaps with that of professional engineers.

3.1.3 A National Engineering Technologists Register has also been developed to provide a sound basis for accrediting engineering technologists to operate within such areas of practice. At an appropriate time, IEAust will apply for approval to amend the present scheme to cover engineering technologists.
3.1.4 An outline of the entry requirements for NPER appears below. Details of the competencies required of practitioners applying to be Accredited Certifiers and to act as a Principal Certifying Authority are provided in section 5.

3.2 National Professional Engineers Register (NPER)

3.2.1 NPER is a simple, consistent national database to which any person or organisation can refer when particular engineering skills are required. NPER identifies those persons whose academic qualifications, cumulative and current experience and competencies, and commitment to ethical conduct and continuing professional development are of the standard considered appropriate by the profession for independent professional practice (in a range of specific areas).

3.2.2 NPER has been designed to:
- provide a consistent national database of expertise;
- avoid inconsistent, ineffective, and anti-competitive local listings;
- facilitate access to reliable, affordable professional indemnity insurance;
- add value to professional practice, especially in relation to non-members;
- create an effective mechanism for community input to professional standards;
- align professional engineering standards in Australia to world best practice;
- accredit applicants from all States and Territories of Australia and from New Zealand; and
- facilitate national and international practice for those listed on the register.

3.2.3 NPER is maintained in the community interest, and at no cost to governments or other authorities, and is open to members and non-members alike.

3.2.4 NPER is divided into areas of practice, to enable easy identification of the engineering field within which the competence of the practitioner has been assessed. New areas of practice have been developed for Accredited Certifiers and for practitioners acting as a Principal Certifying Authority.

3.3 Access to register

3.3.1 NPER is accessible by all persons who have access to the Internet through the IEAust web site at www.ieaust.org.au. Interested persons are able to specify which type of practitioner they require in a specific region or location, through a user friendly search mechanism. The register is available for viewing at any IEAust office. Hard copies of any part of the register can be made available upon request. The register is updated on a regular basis. The information contained on the register is set out in section 7.5.

3.4 Administration of NPER

3.4.1 IEAust in partnership with the Association of Consulting Engineers Australia and the Association of Professional Engineers, Scientists and Managers Australia established NPER.

3.4.2 Registration on NPER is independent from, although maintaining the same standard as IEAust’s membership assessment process.
3.4.3 A National Engineering Registration Board supervises the administration of NPER. The Board comprises representatives from within IEAust and from beyond IEAust. To ensure wider community interests are represented, State and Territory Governments have nominated representatives to the Board. The Board also includes members from major professional, business and community organisations.

3.4.4 The Board is responsible for the operation of NPER, ensuring that it is run efficiently and in the interests of the community. The Board has responsibility for monitoring the operation of NPER, and providing an avenue for dealing with complaints and appeals. The terms of reference of the Board are set out in Attachment 1.

3.4.5 The Board has a guaranteed capacity for independent action separate to that of IEAust. The Board is not subject to direction from the Council of IEAust regarding any aspect of the administration of NPER, including assessment of applicants or appeals heard by the Board.

3.5 Standards of entry

3.5.1 The effectiveness and success of the accreditation scheme will depend on the skill, knowledge and standards of the accredited certifier. It is in the nature of professional engineering services, and other related professional services, that most consumers are not in a position to judge the quality of those services. In such circumstances, consumers must be able to rely upon the qualifications and competence of the professional providing the services.

3.5.2 Registration in an area of practice on NPER is based solely on the demonstrated professional competence of the applicant. Every effort is made to provide an objective, fair and equitable system of assessment for applicants. Entry standards are aligned to world best practice.

3.5.3 Registration indicates maintained competence in any one, or some combination of, the recognised aspects of professional practice. Accordingly, registered persons must be able to certify that they:

- have direct or indirect responsibility for the planning, design, execution or review of some specialised technical aspects of engineering projects or programs; and/or
- have ultimate responsibility, often extending beyond any one discipline, for the technical integrity of engineering projects or programs; and
- are engaged in professional practice which calls upon their engineering knowledge, skills, experience and judgment, and has a significant influence on engineering projects or programs; and

during the preceding three years, they have maintained a satisfactory level of continuing professional development.

3.5.4 Practitioners seeking renewal of registration must confirm that their involvement in continuing professional development over the previous three years, or the period throughout which they have been registered, has averaged at least 150 weighted hours. Compliance with this requirement is subject to periodic random audit.
3.5.5 Continuing professional development activities must relate to the practitioner’s area of practice. For Accredited Certifiers and persons acting as a Principal Certifying Authority, specific courses on the Building Code of Australia (BCA), the standards referenced in the BCA and the various health and safety regulations are available. For those practitioners wishing to become accredited as a Principal Certifier Building, it will be mandatory to undertake a specified course on the BCA except where the assessor is satisfied that the BCA course requirements have been met by other means. It will be a mandatory requirement for all practitioners applying to become accredited under the scheme to undertake a course of study relating to the application of the Environmental Planning and Assessment Act.

3.5.6 The most secure protection for the community lies in the fundamental requirement of the code of ethics that registered persons must practice within the limits of their personal and professional competence, and in the assurance that they will be subject to effective disciplinary action if they fail to observe that constraint.

3.5.7 Practitioners will be required to provide evidence of the insurance coverage required by the legislation prior to being registered, or having their registration renewed on NPER in a relevant area of practice. Processes are in place to ensure that this is checked prior to accreditation or renewal.

3.5.8 Registration in an appropriate category or area of practice therefore provides a reliable indicator of a practising professional engineer committed to maintaining the currency of their skills and knowledge and meeting established ethical standards.

3.6 Assessment process

3.6.1 The assessment process for applicants is set out in section 7.3.

3.7 Appeals from refusal to grant accreditation

3.7.1 Persons who have been refused accreditation can appeal (on the grounds of procedural error or failure to consider all relevant information) to an Appeals Committee. The Committee includes a representative of the National Engineering Registration Board, and is independent of both the Competency Panel and the Assessment Panel that dealt with the application.

3.7.2 The Appeals Committee has the power to overturn the decision of the Assessment Panel, to require that the application be reconsidered, with additional information being taken into account, to refer the matter to a different Assessment Panel, or to confirm the original decision.

4. CLASSES OF MATTERS

4.1 The amended Act provides for five types of certificates to be issued by accredited certifiers. IEAust’s accreditation scheme is aligned to these certificates. The certificates are:

- **Complying Development Certificate** - this certificate will confirm that the proposed development complies with the development standards set down in the council’s Local Environment Plan or Development Control Plan or State Policy and with the BCA.
• **Construction Certificate** - this is required before any building or subdivision work can begin. It certifies that the detailed construction plans and specifications for any development comply with the BCA or engineering standards, that the relevant conditions of the development consent have been met and arrangements for other matters (such as fees) have been made.

• **Compliance Certificate** - there are a number of certificates that may be issued at various stages of development to indicate that:
  - specific building work or subdivision work has been completed and complies with relevant plans and specifications;
  - a condition of development consent or complying development certificate related to the specified building work or subdivision work has been fulfilled;
  - the building has a specified classification under the BCA.

  A series of compliance certificates may be issued during the course of one project. Examples include certification of structural engineering plans and inspection stages during construction (ie. footings, etc.).

• **Occupation Certificate** - this certifies that a building is suitable for occupation and use. It is issued at or near the completion of the project.

• **Subdivision Certificate** - this certificate authorises the registration of a plan of subdivision.

The Strata Schemes Legislation Amendment (Strata Approvals) Act 1999 provides for amendments to the Strata Schemes (Freehold Development) Act 1973 and the Strata Schemes (Leasehold Development) Act 1986 to allow for the private certification of strata plans, strata plan of subdivision and notices of conversion. Under these Acts, persons accredited under the provisions of the Environmental Planning and Assessment Act are able to issue the following certificate:

• **Strata Certificate** – this certificate authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

4.2 IEAust recognises that different competencies are required of practitioners with respect to the types of certificates to be issued. The Act limits the issue of occupation and subdivision certificates to a Principal Certifying Authority. It is the opinion of IEAust that a practitioner acting as a Principal Certifying Authority must have a broader knowledge base than, and different competencies, to those demonstrated by a practitioner issuing compliance certificates.

4.3 To differentiate between the competencies required for practitioners to issue various types of certificates, and to provide a ready means of recognition of the difference between the roles of the practitioners, IEAust will classify practitioners as follows:

• **Accredited Certifier**, to issue compliance certificates for the construction of building and subdivision works.

• **Principal Certifier Building (unrestricted)**, to issue complying development certificates, construction certificates, compliance certificates and occupation certificates with respect to building matters and to issue strata certificates.
• **Principal Certifier – Building (Class 1 and 10)**, to issue complying development certificates, construction certificates, compliance certificates, occupation certificates and strata certificates for class 1 and 10 buildings.

• **Principal Certifier - Subdivision**, to issue construction certificates, compliance certificates, complying development certificates and subdivision certificates with respect to subdivision matters and to issue strata certificates.

4.4 The Act provides that an accredited certifier may issue construction certificates. It is the opinion of IEAust that a practitioner issuing such a certificate must have a broader knowledge base than, and different competencies to those demonstrated by a practitioner issuing compliance certificates. IEAust will only accredit practitioners to issue construction certificates if the practitioner satisfies the competencies for Principal Certifier Building (unrestricted), Principal Certifier Building (Class 1 and 10) or Principal Certifier Subdivision outlined in section 5. IEAust will also limit the issue of strata certificates to Principal Certifier Building (unrestricted), Principal Certifier Building (Class 1 and 10) and Principal Certifier Subdivision.

4.5 Accredited certifiers will be accredited to issue compliance certificates for new and existing buildings and subdivision works, verifying that:

• building work or subdivision work complies with specified plans and specifications; or

• a condition with respect to the work has been complied with; or

• a building or proposed building has a specified classification in accordance with the BCA; or

• any aspect of the development complies with other requirements as prescribed by regulation,

for the following classes of activity:

(a) **Structural engineering (building)** - for practitioners with expertise in planning, design, construction, inspection, monitoring, maintenance, rehabilitation and demolition of buildings, structures and structural systems and their components, and the associated technical, economic, environmental, aesthetic and social aspects of their structures.

(b) **Building services engineering** - for practitioners concerned with aspects of the built environment, involving air conditioning and mechanical ventilation, electrical light and power, fire services, fire safety engineering, water and waste services, data and communications, security and access control, vertical transportation, acoustics in buildings, and energy management.

(c) **Electrical engineering (building)** - for practitioners concerned with planning, design, construction, supervision, monitoring and maintenance of electrical systems in building development, including power supply, distribution, protection, earthing, lighting requirements (including emergency evacuation and exit lighting), telecommunications and fire detection systems to facilitate the safe occupancy and use of the building.
(d) **Mechanical engineering (building)** - for practitioners concerned with planning, design, construction, supervision, monitoring and maintenance of mechanical systems in building development including heating, ventilation, air-conditioning and air distribution, smoke control and exhaust, stairwell pressurisation systems and vertical transport systems to facilitate the safe occupancy and use of the building.

(e) **Fire safety engineering** - for practitioners with expertise that is multi-disciplinary in nature, having substantial relationships with building services, mechanical, electrical, electronics, chemical, structural and civil engineering and requiring a scientific appreciation of the fire phenomenon, the effects of fire and the reaction and behaviour of people in order to:

- save life, protect property and preserve the environment and heritage from destructive fire;
- quantify the hazards and risk of fire and its effects;
- mitigate fire damage by proper design, construction, arrangement and use of buildings, materials, structures, industrial processes and transportation systems;
- evaluate optimum protective and preventive measures, including design, installation and maintenance of active and passive fire and life safety systems, necessary to limit, within prescribed levels, the consequences of fire.

(f) **Energy management** - for practitioners who have expertise in building structures and materials, orientation and insulation, window treatments and are concerned with planning, design, monitoring and maintenance of sustainable and efficient energy systems in the built environment.

(g) **Environmental engineering** - for practitioners who have expertise in the development and application of environmentally sensitive design leading to ecologically sustainable systems which minimise resource use and alleviate waste and pollution by managing environmental emissions, utilising specific technologies devised to mitigate the impact of waste and pollution upon the environment and by remediating existing environmental problems.

(h) **Geotechnical engineering** - for practitioners who have expertise in assessment, evaluation, analysis and (geotechnical) design in relation to stability and differential movement of natural and excavated slopes, filled sites, expansive and reactive soils, construction over voids as affecting foundations and structures. The practice may encompass sampling, testing and analysis of groundwater effects, soils properties, soil characteristics and soil behaviour.

(i) **Civil engineering** - for practitioners involved in the design, construction and commissioning of drainage (including storm water management), sewerage systems and structures, earth retaining structures, earthworks, bulk landscaping, road layout, furnishings and traffic systems, embankments and pavements and utility services installations. Civil engineers liaise with others to arrange to provide or amplify utility services, establish subdivision patterns and arrangements for major shopping centres, warehouses, etc., to ensure plans record boundary data and existing topography, service easements and engineering features.
(j) **Acoustics engineering (building)** - for practitioners concerned with the effects and impacts of noise and vibration on the development and adjacent properties during and after the construction of buildings. The practice encompasses assessing, measuring, analysing and modelling noise and vibration sources and receptors.

4.6 The Principal Certifier – Building (Unrestricted), Principal Certifier Building (Class 1 and 10) and Principal Certifier - Subdivision will be accredited to undertake the role of Principal Certifying Authority, and will normally be required to be an accredited certifier in one or more of the classes of activity listed above, related to either building or subdivision work. In addition to issuing construction certificates, complying development certificates, strata certificates and occupation or subdivision certificates (as applicable), the practitioner may also be accredited to issue compliance certificates in a relevant area. The class of activity for which the certifier is accredited will be clearly shown on NPER (the register), so as to provide information to any interested persons concerning the area of competence of the Accredited Certifier and Principal Certifier.

5. **COMPETENCIES**

5.0 Candidates for accreditation will be required to satisfy the National Competency Standards for Professional Engineers and demonstrate the following specific competencies with respect to the relevant class of activity. The method of assessment of competencies is set out in section 7.3.

5.1 **Competencies for Accredited Certifier**

5.1.1 Accreditation as an Accredited Certifier requires the practitioner to:

(a) be registered on NPER in a general area of practice relevant to their involvement in subdivisions or building;

(b) demonstrate that they have a sufficient understanding of the application of the BCA, relevant standards called up in the BCA, and associated health and safety regulations, or engineering codes and standards for subdivision;

(c) demonstrate that they are able to identify and certify that the matters to be certified address the relevant conditions imposed by the consent authority;

(d) demonstrate that they have an in-depth understanding of relevant legislation, particularly the duties and obligations imposed under the Environmental Planning and Assessment Act;

(e) demonstrate that their work as an Accredited Certifier will be a significant component of their professional employment or practice;

(f) demonstrate that they have the project management skills required to understand how building and land development projects are initiated, designed, commissioned and delivered, and how the associated risks are controlled, and to develop and implement an integrated, comprehensive and timely program of compliance certification covering those aspects of such projects which relate to their specific class(es) of activity;

(g) demonstrate their competence in one or more of the following classes of activity:
   - Structural engineering (building)
   - Building services engineering
   - Electrical engineering (building)
   - Mechanical engineering (building)
• Fire safety engineering
• Energy management
• Environmental engineering
• Geotechnical engineering
• Civil engineering
• Acoustics engineering (building).

5.2 Competencies for Principal Certifier – Building (Unrestricted)

5.2.1 Accreditation as a Principal Certifier - Building requires the practitioner to:
(a) be registered on NPER in a general area of practice relevant to their involvement in building works;
(b) demonstrate that their work as a Principal Certifier - Building will be a significant component of their professional employment or practice;
(c) demonstrated that they are able to identify and certify that the matters to be certified address the relevant conditions imposed by the consent authority;
(d) demonstrate an understanding of the relationship between all activities involved in the design and construction of building works;
(e) demonstrate they have the project management skills required to understand how building projects are initiated, designed, commissioned and delivered, and how the associated risks are controlled, and to develop and implement an integrated, comprehensive and timely program of compliance, construction and occupation certification for such projects;
(f) demonstrate that they:
  • are competent to ensure compliance with the consent conditions issued by the consent authority;
  • have an in depth understanding of the application of the BCA, relevant standards called up in the BCA, and associated health and safety regulations;
  • understand and can apply the relevant legislation, including the Environmental Planning and Assessment Act; Occupational Health and Safety Act; Construction Safety Act; Public Health Act; Heritage Act; Swimming Pool Act (if relevant); environmental legislation; the regulations that underpin them and relevant planning instruments;
  • demonstrate competency to negotiate approvals for buildings with public authorities for water and sewerage; electricity supply; communications; gas supply; and fire services;
  • are familiar with landscape design, construction and certification.
(g) demonstrate general competencies across the following areas at a level sufficient for them to decide whether the available certification is complete and internally consistent:
  • Structural engineering
  • Building services engineering
  • Electrical engineering (building)
  • Mechanical engineering (building)
  • Fire safety engineering
  • Energy management
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- Environmental management
- Geotechnical engineering
- Civil engineering
- Landscape
- Acoustic engineering
- Architectural finishes
- Other disciplines relevant to the development.

(h) demonstrate that they have an understanding and ability to apply the Strata Schemes Legislation Amendment (Strata Approvals) Act 1999, and the Strata Schemes (Freehold Development) Amendment Act (Strata Approvals) Regulation 2000 and standards that relate to strata schemes, particularly authorisation of the registration of a strata plan, strata plan of subdivision or notice of conversion.

5.3 Competencies for Principal Certifier – Building (Class 1 and 10)

5.3.1 Accreditation as an Principal Certifier - Building (Class 1 and 10) requires the practitioner to:

(a) be registered on NPER in a general area of practice relevant to their involvement in building works;

(b) demonstrate that their work as a Principal Certifier - Building (Class 1 and 10) will be a significant component of their professional employment or practice;

(c) demonstrated that they are able to identify and certify that the matters to be certified address the relevant conditions imposed by the consent authority;

(d) demonstrate an understanding of the relationship between all activities involved in the design and construction of class 1 and 10 building works;

(e) demonstrate they have the project management skills required to understand how residential building projects are initiated, designed, commissioned and delivered, and how the associated risks are controlled, and to develop and implement an integrated, comprehensive and timely program of compliance, construction and occupation certification for such projects;

(f) demonstrate that they:

- are competent to ensure compliance with the consent conditions issued by the consent authority;

- have an in depth understanding of the application of the BCA housing provisions, relevant standards called up in the BCA Volume Two, and associated health and safety regulations;

- understand and can apply the relevant legislation, including the Environmental Planning and Assessment Act; Occupational Health and Safety Act; Construction Safety Act; Public Health Act; Heritage Act; Swimming Pool Act (if relevant); environmental legislation; the regulations that underpin them and relevant planning instruments;

- demonstrate competency to negotiate approvals for buildings with public authorities for water and sewerage; electricity supply; communications; gas supply; and fire services;

- are familiar with landscape design, construction and certification.
Accreditation scheme - Institution of Engineers Australia

(g) demonstrate general competencies across the following areas at a level sufficient for them to decide whether the available certification is complete and internally consistent:
• Structural engineering
• Building services engineering
• Electrical engineering (building)
• Mechanical engineering (building)
• Fire safety engineering
• Energy management
• Environmental management
• Geotechnical engineering
• Civil engineering
• Landscape
• Acoustic engineering
• Architectural finishes
• Other disciplines relevant to the development.

(h) demonstrate that they have an understanding and ability to apply the Strata Schemes Legislation Amendment (Strata Approvals) Act 1999, and the Strata Schemes (Freehold Development) Amendment Act (Strata Approvals) Regulation 2000 and standards that relate to strata schemes, particularly authorisation of the registration of a strata plan, strata plan of subdivision or notice of conversion.

5.4 Competencies for Principal Certifier - Subdivision

5.4.1 Accreditation as a Principal Certifier - Subdivision requires the practitioner to:

(a) be registered on NPER in the general area of practice relevant to their involvement in subdivision works;

(b) demonstrate that their work as a Principal Certifier - Subdivision will be a significant component of their professional employment or practice;

(c) demonstrate that they are able to identify and certify that the matters to be certified address the relevant conditions imposed by the consent authority;

(d) demonstrate an understanding of the relationship between all activities involved in the design and construction of subdivision works have the project management skills required to understand how land development projects are initiated, designed, commissioned and delivered, and how the associated risks are controlled, and to develop and implement an integrated, comprehensive and timely program of compliance, construction, and subdivision certification for such projects;

(e) demonstrate that they:
• are competent to ensure compliance with the consent conditions issued by the consent authority;
• have a thorough understanding of engineering survey practice and registration survey practice;
• have a good understanding of, and can apply, the relevant legislation, including the Environmental Planning and Assessment Act; Occupational Health and Safety Act; environmental legislation; and the Construction Safety Act;
• are familiar with landscape design, construction and certification;

(f) demonstrate competency to negotiate approvals for subdivisions with public authorities for water and sewerage; electricity supply; communications; gas supply; and fire services;
Accreditation scheme - Institution of Engineers Australia

(g) demonstrate general competencies across the following areas at a level sufficient for them to decide whether the available certification is complete and internally consistent:

- Civil engineering: road design; drainage; water and sewerage; traffic; surveying
- Geotechnical engineering - road pavement design; site filling control; soil and rock stability; groundwater
- Environmental engineering - dealing with contaminated land; erosion control and water quality; environmental protection regulations
- Structural engineering - earth retaining structures; water channel structures
- Landscaping
- Meeting conditions for public authority approvals
- Other disciplines relevant to the development.

(h) demonstrate that they have an understanding and ability to apply the Strata Schemes Legislation Amendment (Strata Approvals) Act 1999, and the Strata Schemes (Freehold Development) Amendment Act (Strata Approvals) Regulation 2000 and standards that relate to strata schemes, particularly authorisation of the registration of a strata plan, strata plan of subdivision or notice of conversion.

6. CONTINUING PROFESSIONAL DEVELOPMENT

6.1 Persons seeking renewal of accreditation must confirm that their involvement in continuing professional development over the previous three years has averaged at least 150 weighted hours. Compliance with this requirement is subject to periodic random audit.

6.2 Continuing professional development must be relevant to their area of practice and may include any activity that enables the practitioner to:

- extend or update their knowledge, skill or judgment;
- become more productive;
- understand and apply advances in technology;
- face changes in career direction; and
- better serve the community.

6.3 Functions that the practitioner routinely performs as part of their employment are not normally claimable. The five major types of continuing professional development are:

- formal education and training activities;
- informal learning activities;
- conferences and meetings;
- presentations and papers; and
- service activities.

7. ADMINISTRATION OF THE ACCREDITATION PROCESS

7.1 Application process

7.1.1 Practitioners will be required to submit an application form with supporting documentation, together with evidence of specific insurance coverage as required under the Environmental Planning and Assessment Regulations from time to time. The period of insurance must be current throughout the period of accreditation.
7.1.2 For an Accredited Certifier, the supporting documentation will comprise a statement summarising recent responsibilities for the design, documentation, supervision and certification of subdivision and/or building works. Principal Certifiers will be required to submit a Curriculum Vitae, together with a comprehensive Training and Experience Report providing details of relevant courses and training activities undertaken to complement the experience which has prepared the practitioner to work as a Principal Certifying Authority.

7.1.3 The report must contain the following information:
- relevant education and training;
- supervised experience;
- responsible experience;
- other relevant information;
- verification.

7.1.3.1 Relevant Education and Training
This section covers courses delivered by recognised education providers, seminars and conferences. Applicants must explain how the course content and the subject matter of the seminars and conferences related to their involvement in certification, and provide details of any third-party assessment that may have been undertaken of their performance.

7.1.3.2 Supervised Experience
Applicants must provide a brief list of examples of professional involvement in the areas indicated in their application, using bullet points to identify relevant projects and training received.

7.1.3.3 Responsible Experience
Applicants must provide a structured statement of their recent responsible experience with particular reference to their experience in functions that have prepared them to practise as a certifying authority. They must state clearly their own role in each episode cited in the statement and the extent to which they have been expected to assume personal responsibility for their actions.

7.1.3.4 Other Relevant Information
Applicants should provide any other information related to their competence as a certifying authority that might support their application.

7.1.3.5 Verification
Applicants are required to have their Training and Experience Report reviewed and substantiated by an experienced professional engineer as being a true representation of their relevant training and experience.

7.1.4 Applications will be processed expeditiously. The procedure for processing applications will be carried out in accordance with IEAust procedures.
7.2 Declaration by applicants

7.2.1 Applicants for accreditation will be required to sign a declaration:

- that they have made themselves aware of, and understand, their obligations and duties under the Environmental Planning and Assessment Act, particularly the conflict of interest provisions;
- that they have undertaken a nominated course relating to the operations of the Environmental Planning and Assessment Act, and will undertake refresher courses at regular intervals (to be determined by IEAust);
- that they agree to be audited in accordance with the provisions of the Act and regulations;
- that they agree to be subject to the Code of Ethics and Disciplinary Regulations of the Institution as they apply to their practice an Accredited Certifier or Principal Certifier.

7.3 Assessment Process

7.3.1 The assessment process involves:

- a Competency Panel, which is responsible for recommending the competencies required of Accredited Certifiers and Principal Certifiers, determining the procedures for the initial and continuing assessment of practitioners, and monitoring the activities of Assessment Panels.

  The fields of expertise represented within the Competency Panel responsible for areas of practice involving private certification include structural, civil, building services, fire safety, local government, electrical and mechanical engineering;

- a Reviewer, who is an expert in the relevant area of practice for which the application is being made; and

- an Assessment Panel to conduct a professional interview. Members of the Panel will have expertise in the class or classes of matters in which accreditation is sought. The Assessment Panel will heavily involve persons with experience in local government activities, such as representatives from the Institute of Public Works Engineering, Australia. As required, the Assessment Panel will involve representatives from specialised disciplines and specialist societies. The Assessment Panel for Principal Certifier - Building (Unrestricted and class 1 and 10) will include an expert in the application of the BCA, and associated standards and health and safety regulations.

7.3.2 Assessment of Accredited Certifiers

The initial assessment of an application as an Accredited Certifier is undertaken by a reviewer, who checks the documentation to ensure that:

- appropriate professional competencies have been exercised;
- experience gained is appropriate to the relevant area of practice and class of activity applied for;
- knowledge and understanding of the legislation pertaining to buildings, planning and environmental issues have been appropriately addressed;
supervision and inspection of construction work displays, to an appropriate level, a familiarity with safety, health and amenity needs, building processes and integrity, and local environmental controls and shows that the applicant has the capacity to resolve disputes and embrace local community expectations;

- experience in certification work adequately demonstrates competence to deal with the requirements of the BCA, the Environmental Planning and Assessment Act, relevant environmental legislation, health regulations, and planning instruments;

- to decide whether an interview is warranted to assure the quality of the review process.

7.3.3 Assessment of Principal Certifiers

The initial assessment of an application as a Principal Certifier - Building (Unrestricted and class 1 and 10) is undertaken by a reviewer, who checks the documentation to ensure that:

- appropriate professional competencies have been exercised;

- training has embraced construction techniques, health and safety regulations and relevant statutes governing public health, food preparation facilities, swimming pools and protection of the environment;

- the applicant can apply regulations pertaining to buildings, planning and environmental matters and understands the conditions that are likely to be imposed by a consent authority;

- there is evidence of a thorough understanding of the duties and obligations imposed by the Environmental Planning and Assessment Act and its Regulations;

- there is evidence of a thorough understanding of the duties and obligations imposed by the Strata Scheme (Freehold Development) Act of 1973 and the Strata Schemes Legislation Amendment (Strata Approvals) Act 1999 and the Strata Schemes (Freehold Development) Amendment (Strata Approvals) Regulation 2000.

- the applicant’s knowledge and understanding of the BCA extends to the classifications of buildings, fire resistance, separation and protection of openings, access and egress provisions, smoke control and compartmentalisation, exclusion of moisture, room sizes, light, ventilation and sound transmission;

- experience has included securing access and facilities for the disabled, checking the functionality of buildings, satisfying noise, air and water pollution requirements of the Environmental Protection Act and controlling soil erosion and sediment egress from construction sites;

- details of supervision and inspection of construction work show the applicant is familiar with safety, health and amenity needs, building process and integrity and local environmental controls and show the applicant has the capacity to resolve disputes and embrace local community expectations;

- the applicant understands how various building practitioners work together to achieve a successful development; and

- any experience in the certification of work has adequately addressed the requirements of the BCA, Environmental Planning and Assessment Act, Public Health Act, Heritage Act, Swimming Pool Act (if relevant), environmental legislation, the regulations that underpin them and other relevant planning instruments.

The reviewer will seek such further information on training and experience from the applicant as may be deemed necessary.

7.3.4 The assessment of a Principal Certifier - Subdivision is undertaken in the same manner, but focussing on reviewing competencies to undertake subdivision and strata certification.
7.3.5 Professional interview

Applicants will normally be subject to a professional interview by the Assessment Panel. The interview enables a quality assurance check of the educational and professional experience detailed in the Training and Experience Report. Applicants are required to provide examples of professional work that illustrate their experience and competencies.

7.4 Renewal of Certification

7.4.1 Accredited certifiers will be required to make an application for renewal of their accreditation on an annual basis, and to provide evidence that they have:
- complied with the conditions of accreditation;
- continued to provide services in the area of practice for which they were accredited;
- secured insurance coverage as may be required by the Environmental Planning and Assessment Regulations from time to time; and
- participated in continuing professional development appropriate to their accredited area(s) of practice.

The application for renewal will be dealt with in accordance with IEAust procedures.

7.5 Information to be kept on the register

7.5.1 IEAust will keep the following information on NPER (the register) with respect to accredited certifiers:
- the accredited certifier’s name and the address of their place of business;
- the class(es) of activity for which the person is accredited;
- the date on which the person was first accredited;
- the date on which accreditation has been renewed;
- the name of the insurer with whom the person has effected the required insurance, the identifying number of the relevant insurance contract and the dates between which the indemnity cover provided has effect;
- any terms or conditions applicable to the person’s accreditation status;
- information on whether a person’s accreditation is currently suspended or has previously been suspended by IEAust; and
- the dates on which the person’s accreditation ceases to have effect.

7.5.2 The Director-General of the Department of Urban Affairs and Planning will be provided with copies of all such entries at regular intervals.

7.6 Provision of information to the Public and Government

7.6.1 Section 13.1 of the attached disciplinary regulations provides that confidentiality is to be maintained concerning complaints received by IEAust concerning its members. The provision of such information as may reasonably be required by the Department of Urban Affairs and Planning, the Ombudsman or the Independent Commission Against Corruption concerning an Accredited Certifier or Principal Certifier is an exception to that provision and will be produced upon request, normally within two working days.
7.6.2 A vital part of the accreditation scheme will be for accreditation bodies to provide convenient access to accurate information concerning the current status of accreditation of certifiers. The register is accessible by all persons who have access to the Internet through the IEAust web site at www.ieaust.org.au. Interested persons are able to specify which type of practitioner they require in a specific region or location, through a user friendly search mechanism.

7.6.3 IEAust will make the register of accredited certifiers accessible at all reasonable times to those persons who request access. This may be achieved through access to a paper document or by electronic or other means. Members of the public will be able to inspect the register free of charge, during normal office hours, at all IEAust offices. Copies of extracts from the register will be available at these offices on a user pays system, with reasonable charges.

7.6.4 IEAust has systems in place to ensure that the register is kept up to date. It is able to provide information on certifiers who have been deregistered otherwise than by resignation in good standing or following non-payment of fees.

7.7 Record keeping

7.7.1 IEAust will maintain all records in accordance with the Act and Regulations.

7.7.2 In addition to the information maintained on the register, files will be maintained for each Accredited Certifier and Principal Certifier, containing all relevant information, including all application details and supporting documentation, information as to past and present insurance coverage, applications for renewal of registration, material on continuing professional development, and any material relating to complaints made against the practitioner.

7.8 Annual report

7.8.1 IEAust will furnish a report on an annual basis to the Minister concerning its activities as an accreditation body under the Act. The information provided will be in accordance with the Act and Regulations.

8. MONITORING CONDUCT OF CERTIFIERS

8.1 The competence of a professional may be described as the effective performance of a service in a skilled, knowledgeable and ethical manner, consistent with the position and responsibility of the practitioner. Professionals have the responsibility to remain abreast of developments and knowledge in their area of expertise in order to maintain their competence. This requires a personal commitment to ongoing professional development and continuing education.

8.2 A risk-based rational sampling approach for auditing of continuing professional development and professional practice will be undertaken by IEAust.

8.3 Section 109U of the Act provides that the Director-General of the Department of urban Affairs and Planning may undertake an investigation into the work and activities of a certifier. Upon request, IEAust will provide all reasonable assistance to enable the Director-General to undertake such audits and investigations.
9. REPLACEMENT OF CERTIFIERS

9.1 Under section 109E(3) of the Act, the Accredited Certifier who has been appointed as a Principal Certifying Authority cannot be replaced except with the approval of the accreditation body.

9.2 IEAust will approve the replacement of an Accredited Certifier acting as a Principal Certifying Authority only where the practitioner concerned:
  • dies;
  • becomes mentally ill as defined under the Mental Health Act;
  • ceases to maintain a place of business within the Commonwealth of Australia;
  • has their accreditation suspended or withdrawn as a result of disciplinary action;
  • fails to respond within a reasonable period to IEAust requests for relevant information;
  • ceases to comply with the insurance conditions applicable to accreditation;
  • notifies IEAust that they no longer wish to be accredited; or
  • requests to be replaced for health, family, or other reasons.

10. COMPLAINTS HANDLING AND DISCIPLINARY PROCEDURES

10.1 Scope

10.1.1 The system for accreditation has, as its primary focus, the protection of the community, and it is essential that accreditation bodies have effective mechanisms to deal with complaints by local authorities and consumers concerning the conduct Accredited Certifiers and Principal Certifiers.

10.1.2 Matters of a purely financial or contractual nature would be beyond the scope of IEAust, and would be referred back to the complainant for action to be taken through other avenues, such as alternative dispute resolution or the courts. When issues raised in a complaint relate to financial and contractual matters and also include matters concerning unsatisfactory professional conduct or professional misconduct, IEAust will deal with those matters as detailed in section 10.3.

10.1.3 Complaints concerning the technical competence, or the ethical and professional conduct, of an Accredited Certifier and Principal Certifier will be dealt with expeditiously by IEAust.

10.2 Code of Ethics

10.2.1 Entry on NPER requires practitioners to be committed to a Code of Ethics. This, together with the requirements under the Act, forms the basis of the complaints handling and disciplinary procedures for the accreditation scheme.

10.2.2 Upon application for accreditation, Accredited Certifiers and Principal Certifiers will be required to declare themselves bound to IEAust’s code of ethics, its disciplinary regulations, and to the procedures laid down in the Act for dealing with possible breaches of the Act (unsatisfactory professional conduct and professional misconduct).
10.2.3 The Cardinal Principles of the Code of Ethics are:
- to respect the inherent dignity of the individual;
- to act on the basis of a well informed conscience;
- to act in the interest of the community; and
- to uphold its Tenets.

10.2.4 The Tenets of the Code of Ethics are:
1. members shall at all times place their responsibility for the welfare, health and safety of the community before their responsibility to sectional or private interests, or to other members;
2. members shall act in order to merit the trust of the community and membership in the honour, integrity and dignity of the members and the profession;
3. members shall offer services, or advise or undertake engineering assignments, only in areas of their competence and shall practise in a careful and diligent manner;
4. members shall act with fairness, honesty and in good faith towards all in the community, including clients, employers and colleagues;
5. members shall apply their skill and knowledge in the interest of their employer or client for whom they shall act as faithful agents or advisers, without compromising the welfare, health and safety of the community;
6. members shall take all reasonable steps to inform themselves, their clients and employers and the community of the social and environmental consequences of the actions and projects in which they are involved;
7. members shall express opinions, make statements or give evidence with fairness and honesty on the basis of adequate knowledge;
8. members shall continue to develop relevant knowledge, skill and expertise throughout their careers and shall actively assist and encourage those under their direction to do likewise; and
9. members shall not assist, induce or be involved in a breach of these Tenets and shall support those who seek to uphold them.

10.3 Disciplinary process

10.3.1 IEAust’s procedures for dealing with complaints include mechanisms for:
- receiving complaints concerning the conduct of practitioners;
- practitioner’s to respond to the complaint;
- investigating the substance of the complaint;
- dismissing the complaint in accordance with the Act;
- determining the complaint and applying sanctions where appropriate;
- referring certain matters for determination to the Administrative Decisions Tribunal;
- applying sanctions as determined by the Administrative Decisions Tribunal.

10.3.2 The disciplinary regulations document procedures for dealing with complaints and instituting disciplinary proceedings and are available at the IEAust Website.
10.3.3 Where a complaint is made against a certifier under this accreditation scheme, the definitions of “unsatisfactory professional conduct” and “professional misconduct” contained in section 109R of the Act will be applied in substitution for the definition of improper conduct contained in the disciplinary regulations.

Section 109 R provides:

**professional misconduct**, in relation to an accredited certifier, means conduct that is unsatisfactory professional conduct of a sufficiently serious nature to justify suspension of the accredited certifier's accreditation as an accredited certifier or the withdrawal of the accredited certifier's accreditation.

**unsatisfactory professional conduct** includes conduct (whether consisting of an act or omission):

(a) occurring in connection with the exercise of an accredited certifier's functions as a certifying authority that falls short of the standard of competence, diligence and integrity that a member of the public is entitled to expect of a reasonably competent accredited certifier, or

(b) by which an accredited certifier exercises his or her functions as a certifying authority in a partial manner, or

(c) by which an accredited certifier wilfully disregards matters to which he or she is required to have regard in exercising his or her functions as a certifying authority, or

(d) by which an accredited certifier fails to comply with:
   (i) any relevant code of conduct established by the accreditation body by which he or she is accredited, or
   (ii) any other Act or law prescribed by the regulations, or

(e) by which an accredited certifier contravenes this Act, whether or not he or she is prosecuted or convicted for the contravention.

10.3.4 The procedures will be implemented to the point where an appropriate body within IEAust determined that there was a reasonable likelihood that the practitioner would be found guilty of unsatisfactory professional conduct or professional misconduct. At this point, the matter would either be forwarded to the Administrative Decisions Tribunal for their determination, or, where the practitioner consented to the matter being dealt with by IEAust, (in the case of unsatisfactory professional conduct only), the matter would be dealt with in accordance with IEAust’s disciplinary regulations.

10.3.5 The By-laws and Disciplinary Regulations authorise a range of sanctions against members and registrants, including:

- admonition or reprimand;
- imposition of a fine;
- imposition of a condition;
- suspension of accreditation; and
- deregistration.

10.3.6 Appeals against the determinations of the Administrative Decisions Tribunal will be dealt with in accordance with the Administrative Decisions Tribunal Act 1997.
10.3.7 Legal opinion has been received confirming that these powers, (together with acknowledgment by members, at the point of application for certification and that investigations into complaints which relate to their performance as private certifiers will be conducted in accordance with the Act) enable IEAust to implement determinations of the Administrative Decisions Tribunal.

10.3.8 Where the Administrative Decisions Tribunal has determined that certain conditions are to be imposed on the practice of an Accredited Certifier or Principal Certifier, IEAust will require the practitioner to provide evidence that such conditions are being or have been complied with.
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 administered by IEAust on behalf of the engineering profession to ensure the community is provided with the protection it is entitled to expect. These registers are:

- The National Professional Engineers Register (NPER), which is a joint initiative of IEAust, APESMA and the ACEA; and
- The National Engineering Technologists Register (NETR), which was established by IEAust to register Engineering Technologists.

Board - Terms of Reference (November 1999)

The Board is responsible to Council for the operation of the National Professional Engineers Register and the National Engineering Technologists Register, ensuring that they are run efficiently and in the interests of the community.

In particular, within the overall framework established by the Council of the Institution, the Board will:

1. Review all procedures and standards associated with the operation of NPER and NETR including the setting of fees. Recommend changes to existing procedures or standards, or implementation of new procedures or standards, as appropriate. Report to Council any instances where recommendations are not followed.

2. Monitor the detailed operation of NPER and NETR. Report any apparent failure to follow agreed procedures, or adhere to standards set, to the Chief Executive and, as appropriate, to Council if concerns are not addressed.

3. Hear and determine appeals from applicants denied registration and, where appropriate, refer such matters to the body nominated by Council from time to time for advice.

4. Hear appeals against sanctions applied by the Institution on registrants found to have engaged in improper conduct as defined by the IEAust Disciplinary Regulations. Where appropriate endorse or vary such sanctions including the imposition of suspension or deregistration.

5. Monitor the reported incidence of non-registrants practising in Areas of Practice where registration in such areas is required and monitor the actions of regulatory authorities to curb such activity, reporting any concerns to the relevant governments and/or initiating such further action as may be appropriate under the relevant legislation.


Meetings

The Board will normally meet twice per year. The Board may appoint committees. The Chairman may convene special meetings or teleconferences of the Board or its committees at any time. Minutes of Committee meetings shall be distributed to all members of the Board.
Chairman
The Board will elect, from its own members or elsewhere, a Registered Professional Engineer as Chairman.

Secretariat Support
Responsibility of IEAust Director Engineering

Quorum
Half the Institution 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)
- 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, IMEA
- Nominee of the President, ACP

Representing Community Based Organisation
- The St James Ethics Centre
- A second community organisation

Office Bearers representing the Institution of Engineers, Australia
- National Vice President Formation
- National Vice President Engineering Practice

Representatives of the Discipline Colleges of the IEAust
- Two nominees appointed each year by the IEAust Professional Consultative Committee

Engineering Technologists
- Person registered on NETR nominated each year by President IEAust

Engineering Officers
- Person nominated each year by President IEAust

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