

Australian Capital Territory

# Professional Engineers (Fees) Determination 2024

Disallowable instrument DI2024–33

made under the

Professional Engineers Act 2023, s 88 (Determination of fees)

## EXPLANATORY STATEMENT

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This explanatory statement relates to the *Professional Engineers (Fees) Determination 2024* as presented to the Legislative Assembly. It has been prepared to assist the reader of the instrument. It does not form part of the instrument and has not been endorsed by the Assembly.

The Statement must be read in conjunction with the instrument. It is not, and is not meant to be, a comprehensive description of the instrument. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

Section 88 of the *Professional Engineers Act 2023* (the *Act*) permits the Minister to determine fees for the purposes of the Act.

The purpose of this instrument is to determine the fees for the period prior to 6 March 2025 and the period on and after 6 March 2025 when it becomes mandatory to be registered under the Act.

The Professional Engineers Registration Scheme opens for applications on 6 March 2024 in a phased manner across the prescribed areas of engineering. It will become mandatory to be registered from 6 March 2025 to provide professional engineering services in the ACT and/or from a location outside the ACT but the services are provided for projects in the ACT (for example, provided for a project or purpose in the ACT).

In accordance with the establishment of the Professional Engineers Registration Scheme, the fees in the determination will not be subject to increases in line with the wage price index until the 2025-26 financial year.

This is a new Act and fees under it have not previously been determined.

The fees contained in this instrument were considered by Government in establishing the scheme and are based on fees charged for similar registrations and licences in the ACT, fees charged under engineer registration schemes in other jurisdictions and the costs to Government of administering the scheme including processing applications and compliance and enforcement activities associated with the *Act*.

The determination under section 91 of the Act is a disallowable instrument and must be presented to the Legislative Assembly within 6 sitting days after its notification pursuant to section 64 of the *Legislation Act 2001*.

The fees contained in this instrument were considered by Government in establishing the scheme and are based on fees charged for similar registrations and licences in the ACT, fees charged under engineer registration schemes in other jurisdictions and the costs to Government of administering the scheme including processing applications and compliance and enforcement activities associated with the *Act*.

### **Human Rights**

The Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) terms of reference require consideration of human rights impacts, among other matters. No human rights are impacted by the content of this instrument. A detailed human rights assessment is contained in the [Explanatory Statement](#) to the *Act* including consideration of the impact of the introduction of a professional engineers registration scheme in the ACT on section 27B of the *Human Rights Act 2004*.

### **Clause Notes**

**Clause 1** names the instrument the Professional Engineers (Fees) Determination 2024.

**Clause 2** provides that this instrument commences on 6 March 2024.

**Clause 3** determines that fees payable under the *Act* are contained in the Schedule.

The **Schedule** contains the following matters for which a fee is payable:

- Application for registration (initial registration)
- Application for registration to include an additional area of engineering
- Application for registration via mutual recognition
- Application for renewing a registration
- Registration fee (3 years) (on initial registration and renewal) (not payable when adding an additional area of engineering to an existing registration)
- Requesting a physical copy of a registration certificate to be delivered via email or post
- Variations to remove or amend a condition(s) of a registration.

Column 1 of the schedule lists the item number. Column 2 of the schedule lists the relevant section for which a fee is payable. Column 3 of the schedule describes the service or other matter in relation to the fee payable. Column 4 of the schedule lists the fee payable between commencement of the determination and 5 March 2025. Column 5 of the schedule lists the fee payable on or after 6 March 2025.

A pro-rata amount will be applied on a per-month basis, should a registration be issued for a term less than 3 years. The *Professional Engineers Regulation 2024* sets out the circumstances in which a registration may be issued for a term less than 3 years.

An additional flat rate fee of \$43.60 for paper applications lodged in person or via post or email is applied. Applications submitted in paper form carry a larger administration workload, including for the life of the registration.

Prior to 6 March 2025 a reduced application fee will be applied if an individual needs to add an additional area of engineering to a registration. All other fees remain the same.

A registration fee is not payable when adding an additional area of engineering to an existing registration.