

Australian Capital Territory

Professional Engineers (Continuing Professional Development) Determination 2024

Disallowable instrument DI2024–281

made under the

Professional Engineers Act 2023, s 84 (Continuing professional development for professional engineers)

EXPLANATORY STATEMENT

This explanatory statement relates to the *Professional Engineers (Continuing Professional Development) 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 84 of the *Professional Engineers Act 2023* (the *Act*) permits the Minister to determine continuing professional development for a professional engineer. Under section 19 (a) of the *Act*, a professional engineer is eligible to have their registration renewed if the engineer has undertaken continuing professional development in accordance with any determination under section 84.

The determination under section 84 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 *Legislation Act*).

The purpose of this instrument is to determine the continuing professional development required for an individual to be eligible to renew their registration as a professional engineer.

This instrument prescribes continuing professional development for registered professional engineers.

Regulatory Impact Statement (RIS)

Section 34 of the *Legislation Act* provides that if a proposed subordinate law or disallowable instrument (the proposed law) is likely to impose appreciable costs on the community, or a part of the community, then, before the proposed law is made, the Minister administering the authorising law must arrange for a RIS to be prepared for the proposed law.

A RIS is not required in this instance as this instrument does not impose appreciable costs on the community or part of the community. The *Act* establishes the ACT's professional engineers registration scheme, the requirement to be registered and the obligations on professional engineers. This instrument prescribes the continuing professional development that forms part of the eligibility criteria for renewal of registration.

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.

Section 27B (1) of the *Human Rights Act 2004* (the *HRA*) expressly provides that the practice of a trade, occupation or profession may be regulated by law. Determining eligibility criteria for renewal such as continuing professional development is common practice in occupational registration schemes.

A detailed human rights assessment is contained in the [Explanatory Statement](#) to the *Professional Engineers Bill 2022* including consideration of the impact of the introduction of a professional engineers registration scheme in the ACT on the right to work in section 27B of the *HRA*.

Any engagement with or limitation on the right to work in section 27B of the *HRA* is considered reasonable and justifiable.

Clause Notes

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

Clause 2 provides that this instrument commences on 6 March 2025.

Clause 3 contains the determination that the continuing professional development requirements an individual must have to be eligible to renew their registration as a professional engineer are set out in schedule 1 of the instrument.

Clause 4 disapplies the requirement in section 47 (5) of the *Legislation Act 2001*. Section 47 (5) provides that the text of an instrument applied or incorporated as in force at a particular time in a disallowable instrument is taken to be a notifiable instrument made under the relevant instrument, and therefore must be published on the Legislation Register. The instrument incorporates the Introduction to the ACT Building Regulatory System Course which is available for a fee on the online course hosting site Points Build. Copyright in the National Construction Code (NCC) is

collectively owned by the Australian Government and the states and territories. The arrangement between jurisdictions is that the NCC will be published on behalf of the jurisdictions in a single place by the Australian Building Codes Board. It would not be appropriate to publicly notify the NCC on an ACT Government website. The notes to section 4 of the instrument describe methods of access to these documents.

Schedule 1 contains the continuing professional development requirements an individual must have to be eligible to renew their registration as a professional engineer.