PROFESSIONAL ENGINEERING SERVICES IN PUBLIC CONSTRUCTION PROCUREMENT

Factsheet

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## Information for department and delivery agencies when using professional engineering services in public construction procurement

### Mandatory registration for engineers in Victoria

The [*Professional Engineers Registration Act 2019 (Vic*](https://www.legislation.vic.gov.au/in-force/acts/professional-engineers-registration-act-2019/002)*)* (PER Act) came into effect in Victoria on 1 July 2021.

### What is the purpose of the PER Act?

The purpose of the PER Act is to:

• establish a scheme for the registration of professional engineers;

• promote best practice in providing professional engineering services;

• ensure professional engineering services are provided only by suitably qualified and experienced engineers;

• provide adequate consumer protection; and

• make consequential amendments to other Acts, like the [Building Act 1993 (Vic)](https://www.legislation.vic.gov.au/in-force/acts/building-act-1993/135) (BA Act).

The PER Act establishes a professional engineers registration scheme. The scheme requires engineers to be registered to provide professional engineering services, in Victoria and outside Victoria, if the services are intended for Victoria.

### Who administers the PER Act?

The professional engineering registration scheme is administered by the Business Licensing Authority (BLA), supported by Consumers Affairs Victoria (CAV) and the Victorian Building Authority (VBA).

### What are the areas of engineering covered by the PER Act?

The PER Act identifies five areas of engineering where registration is mandatory.

Of the mandatory areas of engineering registration, three areas of engineering have come into effect, with another two to be phased-in during 2023.

The mandatory areas that have come into operation are:

• Fire safety engineering;

• Civil engineering; and

• Structural engineering.

Two mandatory areas that have yet to commence into operation are:

• Electrical engineering – **mandatory registration required from 1 June 2023**

* Mechanical engineering – **mandatory registration required from 1 December 2023.**

### Can an engineer who is not registered provide professional engineering services?

Engineers who are providing professional engineering services must be registered unless they work either under the direct supervision of a registered (and endorsed) professional engineer or work only in accordance with a prescriptive standard.

### What is the difference between registered and endorsed engineer?

The PER Act provides for both registration and endorsement of professional engineers.

Registration is the process by which individuals become registered professional engineers under the PER Act. Endorsement is a separate process and authorises a registered professional engineer to engage in the building industry.

Therefore, to provide professional engineering services in the building industry a professional engineer must be both registered and endorsed in the relevant area of engineering outlined above. A professional engineer who is registered but not endorsed cannot provide professional engineering services in the building industry.

### When did registration and endorsement commence for the building industry?

From 1 July 2021, it is mandatory under the PER Act for a professional engineer to be registered and endorsed before providing professional engineering services in the building industry in Victoria.

Prior to the commencement of the PER Act, the BA Actrequired engineers to register as a building practitioner in the category of engineer.

The registration and endorsement of engineers to work in the building industry under the PER Act replaces the BA Act requirement.

It is important to note that under the PER Act, registration and endorsement as a professional engineer is limited to a natural person. Body corporates such as companies cannot be registered.

Registered professional engineers (including those who are endorsed to work in the building industry) must comply with the [*Code of Conduct for Professional Engineers*](https://www.consumer.vic.gov.au/licensing-and-registration/professional-engineers/professional-conduct#:~:text=act%20with%20honesty%2C%20fairness%20and,seek%20peer%20review%20unless%20impractical) (Code) made under the authority of the PER Act. Compliance with this Code is monitored by CAV and the VBA, who can take disciplinary action for any breaches of the Code.

### What is the impact of the PER Act on suppliers of professional engineering services pre-qualified on the Construction Supplier Register?

There are no new changes or requirements for supplier’s seeking to be, or are already pre-qualified on the [Construction Supplier Register](https://www.dtf.vic.gov.au/infrastructure-investment/construction-supplier-register) (CSR).

Since July 2021, consistent with the PER Act, the CSR requires professional engineering companies and partnerships to sign a Deed Poll as part of their application and ongoing pre-qualification processes for all CSR professional engineering-related categories.

The CSR’s Deed Poll:

* ensures that the required professional engineering services are provided in the mandatory areas of engineering by suitably qualified, registered and endorsed, as applicable, professional engineers;
* requires compliance undertakings that a company secretary/director or partner must execute as a condition of pre-qualification on the CSR;
* requires supplier commitment to, and compliance with the provisions of the PER Act where relevant when providing construction services to the Victorian Government;
* addresses legislative changes for engineering registration to promote confidence for government departments and delivery agencies using the CSR; and
* replaces any previous CSR requirement to nominate a director under the BA Act consistent with the commencement of the PER Act.

### Why is it important for departments and delivery agencies to be aware of the PER Act and its requirements?

It is important for departments and delivery agencies to understand the requirements of the PER Act. This ensures that their suppliers comply with the PER Act by undertaking appropriate due diligence.

Failure to do so could result in decreased consumer protection, delivery of sub-standard engineering design and services and ultimately could lead to unnecessary additional cost and time impacts on project deliverables. Providing professional engineering services without the required registration is an offence and may result in penalties for individuals.

Departments and delivery agencies should also encourage suppliers to become registered and endorsed, as applicable, under the PER Act sooner rather than later to promote overall compliance and assurance for Victorian Government projects consistent with the objectives of the PER Act.

Further information about professional engineering registration in Victoria is available on the [CAV website](https://www.consumer.vic.gov.au/licensing-and-registration/professional-engineers/professional-conduct).

To keep informed of updates subscribe to [CAV's professional engineer newsletter](https://www.consumer.vic.gov.au/latest-news/email-updates).

Further information about the CSR is available on the Department of Treasury and Finance’s [website](https://www.dtf.vic.gov.au/infrastructure-investment/construction-supplier-register).

### Other useful links:

* <https://www.consumer.vic.gov.au/licensing-and-registration/professional-engineers/overview-and-timeline>
* <https://registers.consumer.vic.gov.au/PEsearch>
* <http://www.opv.vic.gov.au/Home>
* <https://engage.vic.gov.au/engineers-registration>
* https://www.vba.vic.gov.au/registration-and-licensing/building-practitioner-registration
* <https://ablis.business.gov.au/service/vic/professional-engineers-registration/45074>