



ENGINEERS
AUSTRALIA

Commonwealth Statutory Declarations Review
Courts Section
Civil Justice Policy and Programmes Division
Attorney-General's Department
3-5 National Circuit
BARTON ACT 2600

Submitted by email: statdec.review@ag.gov.au

12 April 2017

To whom it may concern,

RE: Review of the Statutory Declarations Regulations 1993

Thank you for the opportunity to make a submission to the Attorney-General's Department Commonwealth Statutory Declarations Review.

Engineers Australia is the peak body of the engineering profession. We are a member-based professional association with over 100,000 individual members. Established in 1919, Engineers Australia is a not-for-profit organisation, constituted by Royal Charter to advance the science and practice of engineering for the benefit of the community.

This submission is limited to matters relevant to how engineers are recognised in the Regulations.

The Regulations are fit for purpose and continue to meet the needs of the community

For the purposes of nominating appropriate groups of people who can witness a statutory declaration their professional skills are not the essential element, but the likelihood that they will behave in an ethical manner.

All Engineers Australia members (other than at the grade of student) agree to abide by a Code of Ethics and there is a formal mechanism in place to investigate breaches of the code and, if required, impose disciplinary measures or expel people from the membership.

The Code of Ethics defines the values and principles that shape the decisions that members make in engineering practice. This includes a primary requirement to demonstrate integrity which includes acting on the basis of a well-informed conscience, being honest and trustworthy, and respecting the dignity of all persons.

All members (other than at the grade of student) acknowledge the requirement to abide by the Code of Ethics when they become members and each year thereafter at the time of membership renewal. If called on to do so, members may be required to justify any departure from both the provisions and spirit of the Code of Ethics. Allegations of non-compliance are evaluated on a case-by-case basis and administered in accordance with Engineers Australia's General Regulations 2016.

More information about the Code of Ethics is available on the Engineers Australia website: <https://www.engineersaustralia.org.au/ethics>.

Changes to the list of authorised witnesses are not required

Engineers Australia does not believe that any change to the Regulations is required with regard to how engineers are recognised in Schedule 2 as an authorised witness.

Engineers are only subject to statutory registration provisions in very limited situations, such as in Queensland or in some other jurisdictions in some circumstances. The work of engineers is therefore managed very differently to that of other occupations listed in Schedule 2 Part 1 and, in our view, moving engineers to Part 1 is therefore not appropriate at this time.

It is noted that some organisations may seek to alter Schedule 2 to specify that engineers must be Chartered, qualified as a professional engineer (as opposed to an engineering associate or technologist) and have significant working experience.

Engineers Australia does not support such changes for the following reasons:

- **Chartered status:** In the engineering context, the attainment of the Chartered credential indicates that an individual exhibits high internationally benchmarked standards of expertise, professionalism and safety. Chartered status therefore refers to an individual's experience as an engineer as opposed to their attainment of minimum competency to practice or additional Code of Ethics obligations. It is therefore not relevant for the purposes of the Regulations.
- **Professional grade:** In the engineering context, to be a 'professional' engineer requires at least the equivalent of the competencies in a four-year full-time bachelor degree in engineering. Engineering 'technologists' have attained competencies equivalent to a three-year degree, and engineering 'associates' have attained competencies equivalent to a two-year associate degree or advanced diploma in engineering. These distinctions refer to technical expertise but have no effect on their actions with regard to ethics and is therefore not relevant for the purposes of the Regulations.
- **Work experience:** The Regulations currently recognise graduate members of Engineers Australia as a prescribed person under s4. Like full members, graduate members must abide by the Code of Ethics and the extent of work experience is therefore not relevant for the purposes of the Regulations.

To make changes to how engineers are represented in the Regulations would place unnecessary barriers on their role as an authorised witness and remove the efficiency of linking the Regulations to engineers who abide by a relevant and enforceable Code of Ethics.

If you would like to discuss this submission in more detail, please get in touch by calling me on (02) 6270 6565 or send an email to JRussell@engineersaustralia.org.au.

Yours faithfully,



Jonathan Russell
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