

PROFESSIONAL ENGINEERS REGULATIONS 2015

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Pursuant to section 32 of the Professional Engineers (Registrations) Act 1998, I, Tui Atua Tupua Tamasese Efi, Head of State, make the following regulations:

Dated at Apia this.....day ofí í .í í .í í í ... 2015

.....
(Tui Atua Tupua Tamasese Efi)
HEAD OF STATE

REGULATIONS

PART 1 PRELIMINARY

1. Short title and commencement - (1) These Regulations may be cited as the Professional Engineers Regulations 2015.

(2) These regulations commence on the date on which they are made.

2. Interpretation ó (1) In these Regulations unless the context otherwise requires:

õ**Act**ö means the Professional Engineers (Registrations) Act 1998;

õ**Advanced Training**ö means the professional training as specified in regulation 14;

õ**Mentor**ö means a mentor as specified in regulation 15;

õ**Associate Member**ö means a member who satisfies the requirements of regulation 9;

õ**Board**ö has the same meaning as in section 2 of the Act;

õ**Code of Ethics**ö means the Institution's Code of Ethics including any amendments to the Code of Ethics;

õ**Corporate Member**ö means a member who satisfies the requirements of regulation 11, and is also known as a õChartered Professional Engineerö which may also be abbreviated as õCPengö;

õ**day**ö means calendar day;

•**Dublin Accord**• is an international agreement, signed in 2002 by various professional engineering organisations, for the international recognition of engineering technician qualifications;

•**Institution**• has the same meaning as in section 2 of the Act;

•**Fellow Member**• means a member appointed in accordance with regulation 12;

•**Graduate Member**• means a member who satisfies the requirements of regulation 7;

•**month**• means a period of 30 calendar days;

•**Professional Interview**• is an interview that is conducted by the Board as specified in regulation 16;

•**Professional Interview Panel**• means the panel of Corporate Members appointed by the Board to conduct a Professional Interview;

•**registered engineer**• has the same meaning as in section 2 of the Act;

•**Rules of the Institution**• mean the Rules of the Institution of Professional Engineers of Samoa as incorporated in March 1984, including any amendments to the Rules of the Institution;

•**Student Member**• means a member who satisfies the requirements of regulation 6;

•**Sydney Accord**• is an international agreement, signed in 2001 by various professional engineering organisations, for the international recognition of engineering technologist qualifications;

•**Technician Member**• means a member who satisfies the requirements of regulation 8;

•**Technologist Member**• means a member who satisfies the requirements of regulation 10;

•**Washington Accord**• is an international agreement, signed in 1989, among bodies responsible for accrediting engineering degree programs for the international recognition of engineering qualifications;

•**year**• means a 12 months period.

PART 2 REGISTRATION

3. Types of memberships ó There are 7 types of memberships in the Institution as follows:

- (a) Student Member;
- (b) Graduate Member;
- (c) Technician Member;
- (d) Associate Member;
- (e) Technologist Member;
- (f) Corporate Member; and
- (g) Fellow Member.

4. Application for registration ó Pursuant to section 13 of the Act, a person may apply for registration as a member in any one of the types of memberships specified in regulation 3 (a) to (f), subject to satisfying the criteria, qualifications and standards for registration for each membership.

5. Renewal of practicing certificate ó The Board may determine that the renewal of a practicing certificate under section 15 (2) of the Act is subject to a member completing hours of continuing professional education as determined by the Board.

6. Student Member ó (1) The criteria for registration as a Student Member are:

- (a) Must have attained the standard of general education approved by the Board; and
- (b) Must be currently studying towards a degree in engineering, technology, technician or any other qualification associated with engineering at an educational institution that is approved by the Board.

(2) A Student Member is a provisional registered member.

7. Graduate Member ó (1) The criteria for registration as a Graduate Member are:

- (a) Must hold a qualification that is recognised under the Washington Accord, the Sydney Accord or the Dublin Accord, or such other qualification as approved by the Board; and
- (b) Must satisfy the Board that he or she has received or is receiving ongoing training in the practice of engineering.

(2) A Graduate Member who is eligible for registration as a Corporate Member, Technologist Member, Associate Member or Technician Member must apply to the Board to be registered as such, within 6 months from the time of eligibility.

(3) A Graduate Member is a provisional registered member.

8. Technician Member ó (1) The criteria and qualifications for a Technician Member are:

- (a) Must be at least 21 years of age;
- (b) Must hold a qualification that is recognised under the Dublin Accord or such other equivalent qualification as approved by the Board;
- (c) Must have had at least 5 years of relevant technical experience in his or her field of qualification;
- (d) Must be engaged in or associated with a branch of engineering that is approved by the Board; and
- (e) Subject to the Board's discretion, may be required to attend the Professional Interview.

(2) A Technician Member is a provisional registered member.

9. Associate Member ó (1) The criteria and qualifications for an Associate Member are:

- (a) Must be at least 21 years of age;
- (b) Must hold a qualification that is approved by the Board;
- (c) Must have had at least 5 years of relevant technical experience in his or her field of qualification;
- (d) Must be engaged in or associated with a branch of engineering, or any other field, that is approved by the Board; and
- (e) Subject to the Board's discretion, may be required to attend the Professional Interview.

(2) An Associate Member is a provisional registered member.

10. Technologist Member ó (1) The criteria and qualifications for a Technologist Member are:

- (a) Must be at least 21 years of age;
- (b) Must hold a qualification that is recognised under the Sydney Accord or such other equivalent qualification as approved by the Board;
- (c) Must have had at least 5 years of relevant technical experience in his or her field of qualification;
- (d) Must be engaged in or associated with a branch of engineering that is approved by the Board; and
- (e) Subject to the Board's discretion, may be required to attend the Professional Interview.

(2) A Technologist Member is a provisional registered member.

11. Corporate Member ó (1) The criteria and qualifications for a Corporate Member are:

- (a) Must hold a qualification that is recognised under the Washington Accord, or such other equivalent qualification as approved by the Board;
- (b) Must have completed the Advanced Training; and
- (c) Must have passed the Professional Interview.

(2) A Corporate Member is a registered engineer.

12. Fellow Member ó (1) Subject to sub-regulation (2), the Board may confer a Fellow membership to a Corporate Member, as recognition by the Institution of the member's

outstanding contribution to the engineering profession and the community.

(2) The Board may only confer a Fellow membership to a member who has had a minimum of 20 years of senior experience since becoming a Corporate Member.

(3) A nomination for Fellow membership must be in writing and signed by:

- (a) the member nominated; and
- (b) at least five Corporate Members who must have knowledge and able to attest to the work experience and other relevant contribution to the engineering profession and the community of the member being nominated.

13. Commencement of Advanced Training (1) A Graduate Member who wishes to be registered as a Corporate Member may commence the Advanced Training upon his or her registration as a Graduate Member.

(2) The Board must provide a Graduate Member with relevant information on the Advanced Training and Professional Interview upon acceptance of the member's registration as a Graduate Member.

14. Advanced Training ó (1) The Advanced Training is a practical professional training that is approved by the Board to develop and test the competency and professional skills of a Graduate Member who wishes to be registered as a Corporate Member.

(2) The Advanced Training must be undertaken over a period of at least 4 years under the supervision of a Mentor.

(3) Subject to sub-regulation (5), the Advanced Training may include any or all of the following training requirements:

- (a) at least 12 months of office and field work in design, construction and planning;
- (b) at least 12 months of implementing engineering work, supervision, management and project financing; and
- (c) at least 12 months in a senior position of engineering responsibility.

(4) During the duration of the Advanced Training, the Graduate Member must:

- (a) keep and maintain a log sheet of his or her practical work experience; and
- (b) ensure that his or her Mentor approves and signs off on his or her log sheet of practical work.

(5) A trainee may apply in writing to the Board to consider, in lieu of the Advanced Training, his or her training and experience gained from:

- (a) post-graduate research and studies; or
- (b) other relevant work experience.

15. Mentor ó (1) A Mentor must:

- (a) be a Corporate Member; and
- (b) have the same area of specialisation as the Graduate Member that he or she mentors.

(2) The Mentor's responsibilities include:

- (a) supervising, monitoring, reviewing and checking the Graduate Member's practical work;
- (b) signing off on log sheet of work performed;
- (c) evaluating the Graduate Member's performance;
- (d) planning a schedule of the Graduate Member's work experience ensuring that the work planned includes a

- wide scope of engineering work at different levels of complexity where possible;
- (e) checking the design work of a project performed.

16. Professional Interview 6 (1) The Professional Interview is conducted by a Professional Interviewing Panel which consists of Corporate Members who are appointed by the Board.

(2) The Professional Interview is the assessment of the candidate's training, experience, character, judgment and maturity, in order to determine the candidate's competency to be admitted as a Corporate Member.

- (3) A candidate for the Professional Interview must:
- (a) be at least 24 years of age;
 - (b) be registered as a Graduate Member;
 - (c) have completed the Advanced Training, or considered and approved by the Board to have gained sufficient experience, in lieu of the Advanced Training; and
 - (d) complete the approved application form and lodge it with the Board.

- (4) The Board must notify a candidate whose application is:
- (a) accepted that his or her application has been accepted and to submit to the Board before a specified date:
 - (i) a personal record in the form approved by the Board;
 - (ii) an engineering report in the form approved by the Board; and
 - (iii) payment of the application fee determined by the Board.

- (b) not accepted of the reasons for the non-acceptance of his or her application and specify the parts of the application which must be addressed prior to re-lodging another application.

(5) Upon receipt of the documents and payment specified in sub-regulation (4) (a), the Board must review and assess the documents and upon acceptance of the documentation, advise the candidate in writing of:

- (a) the date, time and place for the Professional Interview; and

- (b) members of the Professional Interviewing Panel who will conduct the Professional Interview.

(6) The candidate must, within 3 days of receiving the notice under sub-regulation (5), notify the Board in writing of any objection to a member of the Professional Interviewing Panel and the grounds in support of the objection.

(7) Upon receipt of a notice of objection under sub-regulation (6), the Board must consider the grounds of objection and decide whether to accept or reject the objection, and notify the candidate in writing of its decision, including reasons for its decision.

(8) The decision of the Board under sub-regulation (7) is final.

17. Content of Professional Interview ó (1) The Professional Interview consists of 2 parts which are:

- (a) a personal interview; and
- (b) the writing of an essay.

(2) For the essay in sub-regulation (1) (b), the subject or choice of subjects for the essay may:

- (a) be either general or specific, and must be based on the areas of engineering work which the candidate has been engaged in during his or her work experience; and
- (b) only be communicated to the candidate during the Professional Interview.

(3) The candidate:

- (a) must be allowed a period of up to 3 hours to write the essay, which also includes reading time; and
- (b) may have access to an English dictionary while writing the essay.

(4) Despite sub-regulation (1) (b), the Board may waive the requirement for writing an essay if the candidate for the Professional Interview is applying for registration as:

- (a) a Technician Member;
- (b) an Associate Member; or
- (c) a Technologist Member.

18. Result of Professional Interview ó (1) At the completion of the Professional Interview, the Professional Interviewing Panel must review the results of the interview.

(2) At the completion of its review, the Professional Interviewing Panel must inform the Board in writing of the results of the Professional Interview and its recommendations.

(3) The Board must review the Professional Interviewing Panel's recommendations and decide on whether to approve or disapprove the Professional Interviewing Panel's recommendations.

(4) The Board must notify the candidate in writing of the results of the interview as soon as practicable.

(5) The Board must inform an unsuccessful candidate of the reasons why he or she was unsuccessful in the Professional Interview and the areas which the applicant must improve on before applying for another Professional Interview.

(6) A candidate who has been unsuccessful on his or her third attempt for the Professional Interview must not apply for a fourth Professional Interview within 12 months of his or her last unsuccessful Professional Interview.

19. Exemption from essay requirement ó (1) A candidate who submitted a satisfactory essay at a previous Professional Interview, may at the time of lodging an application for a subsequent Professional Interview, seek from the Board an exemption from writing another essay at a subsequent Professional Interview.

(2) The Board must notify the candidate of its decision on whether an exemption from writing the essay is accepted prior to the candidate attending the subsequent Professional Interview.

**PART 3
TEMPORARY PRACTICING
CERTIFICATE**

20. Temporary Practicing Certificate – (1) The Board may issue to an applicant, a Temporary Practicing Certificate, subject to satisfying the following criteria:

- (a) the applicant must be a member of a professional engineering body that is recognised by the Board, and holds a current certificate of registration or a current practicing certificate;
- (b) submission of a certificate of good character issued by the professional engineering body that the applicant is a member of;
- (c) payment of a fee determined by the Board, upon approval of the application.

(2) The approval of an application is rescinded if, after 45 days of issuing a notice of acceptance of application to the applicant and for payment of the necessary fee, the fee remains outstanding.

(3) A certificate issued under this regulation must only entitle the temporary practitioner to carry out work for a specific client or clients, and on the terms and conditions, as approved by the Board.

21. Issue of Temporary Practicing Certificate – (1) A letter from the Board advising the applicant of approval of his or her application constitutes a Temporary Practicing Certificate.

(2) The conditions of the issue of the certificate must be set out in the Temporary Practicing Certificate.

**PART 4
MISCELLANEOUS**

22. Duty of members to observe Code of Ethics ó A member of the Institution must observe the Code of Ethics.

23. Value of professional engineering works ó (1) For section 23 of the Act, the estimated value of professional engineering works is determined by the Board.

(2) The Board must publish a public notice of the estimated value of professional engineering works that it determines.

(3) A notice that is published on the Institution's website is deemed to be a public notice under sub-regulation (2).

24. Regulations to prevail ó If there is any inconsistency between these Regulations and the Rules of the Institution, these Regulations prevail.

25. Transitional and savings arrangements ó (1) An application for registration:

(a) that was submitted to the Board before the commencement of these Regulations; and

(b) which the Board has not made a decision on at the commencement of these Regulations,

is taken to have been submitted to the Board under these Regulations and must be considered in accordance with these Regulations.

(2) A registration of membership under section 14 (3) of the Act that was made before the commencement of these Regulations continues to be effective and remains valid as if that registration was made in accordance with these Regulations.

26. Fees ó (1) The Board must determine the fees payable under these Regulations.

(2) A fee that is payable under these Regulations is non-refundable.