

**THE COLLEGE OF INVESTIGATIVE AND REMEDIAL
CONSULTING ENGINEERS SCHEME**
Professional Standards Act 1994 (NSW)

Occupational Association

The College of Investigative and Remedial Consulting Engineers Scheme (the scheme) is a scheme under the *Professional Standards Act 1994* (NSW) (the Act) of the College of Investigative and Remedial Consulting Engineers of Australia Incorporated (CIRCEA). The scheme is in force in New South Wales, the Australian Capital Territory, Victoria, South Australia, Western Australia, the Northern Territory and Queensland.

Persons to whom the scheme applies

The scheme applies to all ordinary members of CIRCEA. CIRCEA requires members to be independent practicing professional engineers with qualifications equal to that of a Corporate Member of Engineers Australia and be registered on the National Professional Engineers Register (NPER) of Engineers Australia.

The CIRCEA charter requires of its members that:

1. They have had a minimum of twenty years' practice as a professional engineer,
2. They have had a minimum of five years' experience as a Principal of a consulting engineering practice,
3. They have played a recognised leadership role in their field of expertise,
4. They are a practitioner rather than a manager and, to this end, they expend a personal minimum of 500 hours each year in the practice of investigative, remedial or forensic (IRF) engineering consultancy, and
5. In order to ensure the importance and autonomy of IRF consultancy, the proportion of IRF work should constitute at least 25% of the total turnover of the practice.

Nature of the scheme

In the scheme, "scheme", "occupational liability", "maximum amount of liability" and other words and phrases from the Act have the same meaning in the scheme as their meaning in the Act.

The scheme limits the occupational liability of members of the CIRCEA to whom the scheme applies. The liability limited by the scheme includes, to the extent permitted by the Act, all civil liability arising (in tort, contract or otherwise) directly or vicariously from anything done or omitted by a member of the CIRCEA in acting in the performance of his or her occupation. A limitation that applies to a member of the CIRCEA also applies to the liability of partner, officer, employee or associate of the member, as provided by the Act. The Act specifies some occupational liability that is not limited by a scheme.

The scheme limits the occupational liability for acts or omissions that occur during the scheme.

A person to whom the scheme applies is not liability for damages above \$1 million or, in the case of a person who provides advice predominantly in the geotechnical field, \$5 million. Under the scheme, a member can apply to CIRCEA to authorise a higher maximum amount of liability in respect of a particular contract for services. CIRCEA may authorise a higher maximum amount of liability, up to \$10 million.

A member applying for a higher maximum amount of liability will satisfy CIRCEA that the member has insurance of an amount not less than the higher maximum amount of liability and the insurance policy meets the standards specified by CIRCEA, and will consent that CIRCEA may, in a public register, disclose information that would otherwise be prohibited by Privacy legislation.

Standards of insurance

A member to whom the scheme applies is required to maintain a current professional indemnity insurance policy that meets the standards specified from time-to-time by CIRCEA in accordance with Section 27 of the Act. The amount payable under the insurance policy in respect of occupational liability is to be not less than the person's

limitation of liability.

Monitoring of claims

CIRCEA will regularly review and monitor liability claims made against members to identify areas for developing strategies to improve standards and to minimise claims, including developing the continuing education of members.

Risk management

CIRCEA administers strategies designed to minimise risk through adherence to high standards of professional conduct and maintenance of professional competencies. As a primary strategy, CIRCEA has membership entry prerequisites with minimum educational and experience requirements.

Members are also required to undertake continuing professional development and CIRCEA provides to its members a continuing series of seminars on topics particular to practice management, risk management, and IRF engineering. Members are required to maintain registration on NPER which requires that they undertake a minimum amount of continuing professional development per year, to adhere to the Code of Ethics of Engineers Australia, and to be subject to a complaints and discipline system.

CIRCEA has established a system of Risk Management based on AS/NZS4360 which is mandatory for each practice covered by the scheme. This risk management system is audited in a 2 year cycle by CIRCEA.

CIRCEA will report annually on the implementation and monitoring of its risk management strategies, the effect of those strategies and any changes made or proposed to be made to them.

Complaints & discipline

Members to whom the scheme applies are subject to a complaints and discipline system administered by CIRCEA under the CIRCEA Complaints and Discipline Code, and Disciplinary Regulations administered by Engineers Australia. All members of CIRCEA must comply with the Code of Ethics of Engineers Australia and the requirements of NPER. Information from complaints is used to develop strategies to reduce risk and improve consumer protection, including developing the continuing education of members.

Scheme administration

Administration of the scheme will be undertaken by CIRCEA. CIRCEA will maintain a register of the members to whom the scheme applies. The register can be found at www.circea.org

Duration

The scheme remains in force for a period of 5 years from its commencement unless it is revoked, extended or ceases in accordance with Section 32 of the Act.