

Professional Engineers Registration (Fees) Regulations

Exposure Draft

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Victoria

Professional Engineers Registration (Fees) Regulations

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Part 1—Preliminary

1 Objective

The objective of these Regulations is to prescribe the following for the purposes of the **Professional Engineers Registration Act 2019**—

- (a) registration, endorsement and renewal of registration and endorsement fees;
- (b) refunds of certain fees;
- (c) exemptions from the payment of annual endorsement fees in certain circumstances.

2 Authorising provision

These Regulations are made under section 103 of the **Professional Engineers Registration Act 2019**.

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Part 1—Preliminary

3 Commencement

These Regulations come into operation on
1 July 2021.

4 Definition

In these Regulations—

the Act means the **Professional Engineers
Registration Act 2019**.

Part 2—Fees

5 Fees—registration

- (1) For the purposes of section 10(2)(e)(i) of the Act, the prescribed application fee is 5·79 fee units.
- (2) The fee for an application to add an area of engineering to an existing registration is 5·79 fee units.
- (3) For the purposes of section 10(2)(e)(ii) of the Act, the prescribed registration fee is—
 - (a) 27·42 fee units for registration as a practising professional engineer; and
 - (b) 5·48 fee units for registration as a non-practising professional engineer.

6 Fee—application for endorsement

For the purposes of section 11(2)(c) of the Act, the prescribed endorsement application fee is 14·75 fee units.

7 Fees—renewal of registration

- (1) The application fee for renewal of registration is 5·79 fee units.
- (2) The renewal of registration fee is—
 - (a) 31·53 fee units for registration as a practising professional engineer; and
 - (b) 6·31 fee units for registration as a non-practising professional engineer.

8 Fee—renewal of endorsement

The application fee for renewal of endorsement of a person to practise as a registered professional engineer who is engaged in the building industry is 14·75 fee units.

9 Fee—change of registration type—non-practising to practising

(1) The fee to change the type of registration of a professional engineer from non-practising to practising before the date the renewal of the registration is due under section 20(2) of the Act is the amount calculated in accordance with the formula set out in subregulation (2).

(2) The formula for the purposes of calculating a fee is—

$$F = (B - C)/1095 \times D$$

In this formula—

F is the amount of the fee; and

B is the amount of the fee under regulation 5(3)(a) or regulation 7(2)(a), as the case may be, for registration or renewal of registration as a practising professional engineer; and

C is the amount of the fee under regulation 5(3)(b) or regulation 7(2)(b), as the case may be, for registration or renewal of registration as a non-practising professional engineer; and

D is the number of days outstanding before the date the renewal of registration is due in accordance with section 20(2) of the Act.

(3) An endorsed building engineer who is deemed to be an endorsed building engineer under section 107 of the Act, is exempt from paying the fee under subregulation (1).

10 Fee—annual endorsement

(1) For the purposes of section 21(1) of the Act, the prescribed annual endorsement fee is 7.42 fee units.

- (2) For the purposes of section 21(1)(b) of the Act, the prescribed date is each subsequent anniversary of—
- (a) the date an endorsed building engineer was registered under section 12 of the Act; or
 - (b) for an endorsed building engineer who is deemed to be an endorsed building engineer under section 107 of the Act, the date the deemed building engineer was registered as a building practitioner in the category of engineer under section 171(1) of the **Building Act 1993**.
- (3) Despite subregulation (1), an endorsed building engineer is exempt from paying an annual endorsement fee under section 21(1) of the Act if—
- (a) the fee falls due on the date the renewal of the endorsement falls due in accordance with section 20(2) of the Act; or
 - (b) the endorsement on the endorsed building engineer's registration has been suspended under section 21(5) of the Act.

11 Fees—the Register

- (1) For the purposes of section 28(4) of the Act, the prescribed fee is 3.36 fee units.
- (2) For the purposes of section 28(5) of the Act, the prescribed fee is 3.36 fee units.

Part 3—Refunds

12 Refund—registration or endorsement refused

- (1) If the Business Licensing Authority refuses to grant a registration or endorsement, the Registrar may refund the following (as the case requires)—
 - (a) the registration fee paid by a person under section 10(2)(e)(ii) of the Act;
 - (b) the part of the endorsement application fee paid by a person under section 11(2)(c) of the Act that does not relate to the processing of the application.
- (2) If the Business Licensing Authority refuses to grant a renewal of registration or endorsement, the Registrar may refund the following (as the case requires)—
 - (a) the renewal of registration fee paid by a person;
 - (b) the part of the application fee for renewal of endorsement paid by a person that does not relate to the processing of the application .
- (3) In considering whether to grant a refund under subregulations (1) and (2), the Registrar must have regard to the circumstances of the person.

13 Refund—application for registration, endorsement or renewal of registration or endorsement withdrawn

- (1) A person who withdraws an application for registration, endorsement or renewal of registration or endorsement that was accompanied by the relevant fee prescribed under the Act, may apply to the Registrar for a refund of all or part of that fee.

- (2) On the application of a person under subregulation (1), the Registrar may refund all or part of the relevant fee for registration, endorsement or renewal of registration or endorsement paid under the Act (as the case may be), if the Registrar considers that it is appropriate, having regard to—
- (a) the circumstances of the person; and
 - (b) the progress of the person’s application for registration, endorsement or renewal of registration or endorsement under the Act (as the case may be).

14 Refund—registration surrendered

- (1) If a registration is surrendered by a professional engineer, the Registrar may refund a registration fee or renewal of registration fee paid under the Act, according to the formula set out in subregulation (2).
- (2) The formula for the purposes of calculating a refund is—

$$R = Z/1095 \times D$$

In this formula—

- R** is the amount of the refund; and
 - Z** is the amount of the registration fee or renewal of registration fee paid under the Act (as the case may be); and
 - D** is the number of days outstanding before the date the renewal of registration is due in accordance with section 20(2) of the Act.
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15 Refund—endorsement surrendered

- (1) If an endorsement is surrendered by a professional engineer—
- (a) the Registrar may refund an endorsement application fee or renewal of endorsement application fee paid under the Act according to the formula set out in subregulation (2); and
 - (b) the Victorian Building Authority may refund an annual endorsement fee paid under the Act according to the formula set out in subregulation (3).
- (2) The formula for the purposes of calculating a refund of an endorsement application fee or renewal of endorsement application fee is—

$$R = Z/1095 \times D$$

In this formula—

R is the amount of the refund; and

Z is the amount of the endorsement application fee or renewal of endorsement application fee paid under the Act (as the case may be); and

D is the number of days outstanding before the date the renewal of endorsement is due in accordance with section 20(2) of the Act.

- (3) The formula for the purposes of calculating a refund of an annual endorsement fee is—

$$R = Z/365 \times D$$

In this formula—

R is the amount of the refund; and

Z is the amount of the annual endorsement fee paid under the Act; and

D is the number of days outstanding before the next annual endorsement fee is due under section 21(1) of the Act.

16 Refund—change of registration type—practising to non-practising

- (1) If a registration of a professional engineer is changed from practising to non-practising, the Registrar must refund the registration fee or renewal of registration fee (as the case may be) paid under the Act in accordance with the formula set out in subregulation (2).
- (2) The formula for the purposes of calculating a refund is—

$$R = (B - C)/1095 \times D$$

In this formula—

R is the amount of the refund; and

B is the amount of the fee under regulation 5(3)(a) or regulation 7(2)(a), as the case may be, for registration or renewal of registration as a practising professional engineer; and

C is the amount of the fee under regulation 5(3)(b) or regulation 7(2)(b), as the case may be, for registration or renewal of registration as a non-practising professional engineer; and

D is the number of days outstanding before the date the renewal of registration falls due in accordance with section 20(2) of the Act.

Endnotes

Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2020 is \$14.81. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.