

SAMOA

**PROFESSIONAL ENGINEERS (REGISTRATIONS)
REGULATIONS 2017**

Arrangement of Provisions

- | | |
|---|---|
| 1. Citation and commencement | 5. Duty of provisional registered engineers to observe Code of Ethics |
| 2. Application for registration | 6. Value of professional engineering works |
| 3. Renewal of a certificate of registration | 7. Transitional |
| 4. Categories of provisional registered engineers | |

PURSUANT to section 32 of the Professional Engineers (Registrations) Act 1998 (“Act”), **I, TUI ATUA TUPUA TAMASESE EFI**, Head of State, acting on the advice of Cabinet, **MAKE** the following Regulations:

DATED at Apia this 31st day of May 2017.

signed: (Tui Atua Tupua Tamasese Efi)
HEAD OF STATE

REGULATIONS

1. Citation and commencement-(1) These Regulations may be cited as the Professional Engineers (Registrations) Regulations 2017.

(2) These Regulations commence on the date they are signed by the Head of State.

2. Application for registration - A person who wishes to apply for registration as a provisional registered engineer must specify in his or her application the category of provisional registered engineer he or she is applying for as specified in regulation 4.

3. Renewal of a certificate of registration - The Board may renew the certificate of registration of a member under section 15(2) of the Act if the member has completed the hours of continuing professional education determined by the Board.

4. Categories of provisional registered engineers - The categories of provisional registered engineers in the Institution are:

- (a) graduate member;
- (b) technician member;
- (c) associate member;
- (d) technologist member; and
- (e) temporary member.

5. Duty of provisional registered engineers to observe Code of Ethics - A person who is provisionally registered under any categories under regulation 4 must observe the Code of Ethics of the Institution.

6. Value of professional engineering works-(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 taken to be a public notice under subregulation (2).

7. Transitional - An application for registration:

- (a) that was submitted to the Board before the commencement of these Regulations; and
 - (b) at the commencement of these Regulations, the Board has not made a decision,
- is taken to have been submitted to the Board pursuant to these Regulations and must be considered under these Regulations.

**PROFESSIONAL ENGINEERS (CRITERIA AND
QUALIFICATIONS) DETERMINATION 2017**

Arrangement of Provisions

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|---|--------------------------------------|
| 1. Citation and commencement | 6. Professional interviewing panel |
| 2. Qualifications and criteria for fully registered engineers | 7. Professional interview |
| 3. Qualifications and criteria for provisionally registered engineers | 8. Content of professional interview |
| 4. Advanced training | 9. Result of professional interview |
| 5. Mentor | 10. Exemption from essay requirement |

PURSUANT to section 8(d) of the Professional Engineers (Registrations) Act 1998 (“Act”), the Professional Engineers Registration Board (“Board”) has made the following determinations:

MADE under the Board’s Resolution passed at its meeting held at Apia this 29th day of May 2017.

signed: **TUPA’I MAU SIMANU**
CHAIRPERSON

1. Citation and commencement - This Determination may be cited as the Professional Engineers (Qualifications and Criteria) Determinations 2017, and commences on the date of the Board's resolution stated above.

2. Qualifications and criteria for fully registered engineers-(1) A person may only be fully registered as a corporate member if the person:

- (a) holds a qualification that is recognised under the Washington Accord, or any other qualification that is equivalent to a Washington Accord recognised qualification as approved by the Board;
 - (b) has completed the advanced training under paragraph 3; and
 - (c) has passed the professional interview under paragraph 6.
- (2) The Board may confer a fellow membership to a corporate member as recognition of the member's outstanding contribution to the engineering profession and the community, subject to satisfying the following qualifications and criteria:
- (a) must have had a minimum of 20 years' experience as a senior corporate member; and
 - (b) must submit to the Board at least five (5) statutory declarations from corporate members who are able to attest to the nominated member's work experience and other relevant contribution to the engineering profession and the community.
- (3) The nomination of a corporate member for fellow membership must be in writing and signed by:
- (a) that corporate member nominated; and
 - (b) at least five (5) other corporate members, each of whom is to provide a statutory declaration in support of the nomination as required under subparagraph (2)(b).

3. Qualifications and criteria for provisionally registered engineers-(1) A person may only be provisionally registered as:

- (a) a graduate member if the person -

- (i) holds a qualification that is recognised under:
 - (A) the Washington Accord;
 - (B) the Sydney Accord;
 - (C) the Dublin Accord; or
 - (D) any other qualification as approved by the Board; and
 - (ii) satisfies the Board that he or she has received or is receiving on-going training in the practice of engineering;
- (b) a technician member if the person -
- (i) is at least 21 years of age;
 - (ii) holds a qualification that is recognised under the Dublin Accord, or any other qualification that is equivalent to a Dublin Accord recognised qualification as approved by the Board;
 - (iii) has at least five (5) years of relevant technical experience in his or her field of qualification;
 - (iv) has engaged in or associated with a branch of engineering that is approved by the Board; and
 - (v) may be required to attend the professional interview as determined by the Board;
- (c) a technologist member if the person -
- (i) is at least 21 years of age;
 - (ii) holds a qualification that is recognised under the Sydney Accord, or any other qualification that is equivalent to a Sydney Accord recognised qualification as approved by the Board;
 - (iii) has at least five (5) years of relevant technical experience in his or her field of qualification;

22 *Professional Engineers (Registrations) Regulations 2017/7*

(iv) has engaged in or associated with a branch of engineering that is approved by the Board; and

(v) may be required to attend the professional interview as determined by the Board;

(d) an associate member if the person -

(i) is at least 21 years of age;

(ii) holds a qualification that is approved by the Board;

(iii) has at least five (5) years of relevant technical experience in his or her field of qualification;

(iv) has engaged in or associated with a branch of engineering, or any other field, that is approved by the Board; and

(v) may be required to attend the professional interview as determined by the Board;

(e) a temporary member if the person -

(i) is a registered member of a professional engineering body that is recognised by the Board;

(ii) holds a current practising certificate in country of registration;

(iii) submits a certificate of good character issued by the professional engineering body that the applicant is a member of; and

(iv) meets any other requirement that is determined by the Board.

(2) A graduate member must apply to the Board for registration as a corporate member, technologist member, associate member or technician member within six (6) months from the time that he or she is eligible to apply for registration under any of those categories.

(3) The approval of an application is automatically cancelled if the fee remains outstanding after expiry of 45 days from the date of issuing a notice of approval of application to the applicant and for payment of the applicable fee.

(4) A provisional registration certificate entitles the holder to perform work for a specific client or clients, and on the terms and conditions, as approved by the Board.

(5) A letter from the Board advising the applicant of the approval of his or her application:

- (a) constitutes a provisional registration certificate; and
- (b) must clearly specify conditions of the provisional registration certificate.

4. Advanced training-(1) A 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 advanced training is a practical professional training, approved by the Board, to develop and test the competency and professional skills of a member who wishes to be registered as a corporate member.

(3) The advanced training must be undertaken over a period of at least four (4) years under the supervision of a mentor as specified under paragraph 5.

(4) Subject to subparagraph (6), 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;
- (c) at least 12 months in a senior position of engineering responsibility.

(5) During the period of the advanced training, the 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.

(6) A member may apply in writing to the Board to consider, instead of the advanced training, his or her training and experience gained from:

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

5. Mentor-(1) A mentor must:

- (a) be a corporate member; and
- (b) currently practicing in the same engineering field as the trainee member that he or she mentors.

(2) A mentor's functions include:

- (a) planning a schedule of the trainee member's work experience ensuring that the work planned includes a wide scope of engineering work at different levels of complexity where possible;
- (b) supervising, monitoring, reviewing and checking the trainee member's practical work;
- (c) signing off on log sheet of work performed by the trainee member;
- (d) evaluating the trainee member's performance; and
- (e) checking the design work of a project performed.

6. Professional interviewing panel-(1) The Board may appoint a professional interviewing panel ("panel") consisting of at least three (3) corporate members.

(2) The function of the panel is to conduct a professional interview.

(3) When an interview is completed, the panel must submit a report of the interview to the Board for approval.

7. Professional interview-(1) 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.

(2) A candidate for the professional interview must:

- (a) be at least 24 years of age;
- (b) be registered as a graduate member, technician member, associate member or a technologist member;

- (c) have completed the advanced training, or considered and approved by the Board to have gained sufficient experience, instead of the advanced training; and
 - (d) complete the approved application form and lodge it with the Board.
- (3) 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 a form approved by the Board;
 - (ii) an engineering report in a form approved by the Board; and
 - (iii) payment of the applicable fee;
 - (b) not accepted, and 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.
- (4) Upon receipt of the documents and payment specified in subparagraph (3)(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) full names of members of the panel.
- (5) The candidate must, within three (3) days of receiving the notice under subparagraph (4), notify the Board in writing of any objection to a member of the Panel and the grounds in support of the objection.
- (6) Upon receipt of a notice of objection under subparagraph (5), 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.
- (7) The decision of the Board under subparagraph (6) is final.

8. Content of professional interview-(1) The professional interview consists of the following:

- (a) a personal interview; and
 - (b) the writing of an essay.
- (2) For the essay in subparagraph (1)(b), the subject or choice of subjects for the essay:
- (a) may be either general or specific; and
 - (b) must be based on the areas of engineering work which the candidate has been engaged in during his or her work experience; and
 - (c) must 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 prepare the essay, which also includes reading time;
 - (b) may have access to an English dictionary while writing the essay; and
 - (c) may be required to hand write or type the essay using a computer.
- (4) Despite subparagraph (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) a technologist member; or
 - (c) an associate member.

9. Result of professional interview-(1) At the completion of the professional interview, the panel must review the results of the interview and submit a written report to the Board including its recommendations.

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

(3) The Board must notify the candidate in writing of the results of the interview and its review as soon as practicable.

(4) 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.

(5) 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.

10. Exemption from essay requirement-(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.

**PROFESSIONAL ENGINEERS (REGISTRATIONS)
ACT 1998**

FEES DETERMINATION 2017

PURSUANT to sections 10 and 13(3) of the Professional Engineers (Registrations) Act 1998 (“Act”), the Professional Engineers Registration Board (“Board”) has made the following determinations relating to fees -

1. The fees for the purpose of the Act are set out in the Table below :

Table:

No.	Type of fee	Amount SAT\$
1	Application for registration	100
2	Issue of certificate of registration	300
3	Renewal of certificate of registration	300
4	Certificate of exemption	400
5	Inspection of the Register of Professional Engineers	50

2. A fee that is payable under paragraph 1 is non-refundable.

The Determination was made under the Board’s Resolution passed at its meeting held at Apia on this 29th day of May 2017.

signed: **TUPA’I MAU SIMANU**
CHAIRPERSON

Issued under the authority of the Regulations Ordinance 1953.

Date of Commencement: 31st May 2017.

**These Regulations are administered by the Ministry of Works,
Transport and Infrastructure.**

**Copies of these Regulations can be purchased from
the Office of the Clerk of the Legislative Assembly.**

**Printed by the Clerk of the Legislative Assembly,
by authority of the Legislative Assembly.**