

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1915.

A BILL

To provide for the registration and to regulate the practice of engineers and architects ; and for purposes consequent thereon or incidental thereto.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Preliminary.

1. This Act may be cited as the "Engineers and Architects Registration Act, 1915." It shall commence and take effect on and from the day of , one thousand nine hundred and .

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2. In the construction of this Act, unless the context otherwise indicates,—

Interpretation.

“Architect” means any person who carries on any profession or business requiring the expression of that knowledge which constitutes the art of employing natural and artificial products in the service of mankind as applied to every requirement in the construction or beautification of cities, towns, villages, and open spaces, and in the completion of human habitation.

“Engineer” shall mean any person who carries on any profession or business requiring that species of knowledge which constitutes the art of directing the great sources of power in nature for the use and convenience of man, as the means of production and of traffic in States, both for external and internal trade, as applied in the construction of roads, railways, bridges, aqueducts, canals, river navigation, and docks for internal intercourse and exchange; and in the construction of ports, harbours, moles, breakwaters, and lighthouses; and in the art of the construction of ships and of navigation by artificial power for the purposes of commerce and war; and in the construction and adaptation of machinery; and in the drainage of cities and towns and other works connected with public health; the generation, supply, and utilisation of electricity; the production and treatment of metalliferous ores, coal, coke, and other mineral products; the construction of buildings, telegraphs, telephones; works for water supply, conservation, and irrigation; and vehicles; and vessels for navigating the air or the seas below the surface.

“Prescribed” means prescribed by this Act or by any regulations made thereunder.

“Registrar” means registrar appointed under the provisions of this Act.

“Registered” means registered under the provisions of this Act.

“The board” means the board appointed under the provisions of this Act.

Constitution

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Constitution of board.

3. There shall be two boards, to be called respectively "Engineers Registration Board of New South Wales" and "Architects Registration Board of New South Wales," each consisting of seven persons, including the president, who, with the exception of the president, shall hold office for three years.

Constitution of board.

4. The members of the board shall in the first place be appointed by the Governor for a term of three years as soon as may be after the commencement of this Act, and after the expiry of such three years shall be elected triennially respectively by the engineers or architects whose names are on the register, with the exception of the president, who shall be the Permanent Head for the time being of the Public Works Department, and who shall be ex officio president of the board: Provided that such Permanent Head is entitled to be registered as an engineer or architect, failing which the Governor shall appoint some other member of the staff of the Public Works Department, who is entitled to be registered as an engineer or architect:

Election and appointment of boards.

Provided that any person elected or appointed to fill a vacancy caused by the death or retirement of a member before the expiration of his term of office shall only hold office for the balance of such term:

Provided further that any vacancy caused by the death or retirement of any such member during the term of three years from the commencement of this Act shall be filled by the appointment by the Governor of a member to such office for the balance of the term.

Each board shall appoint from its members a deputy president.

Powers and duties of boards.

5. The duties of the boards shall be as follows:—

- (a) To appoint examiners.
- (b) To decide upon the places where and the time when examinations shall be held.
- (c) To appoint such officers as they may think fit for the purpose of this Act.

Duties of boards.

(d)

Engineers and Architects Registration.

- (d) To decide upon the suspension of any engineer or architect from practice as a registered engineer or architect, or the removal from the register of the name of any person for disobeying the rules and regulations from time to time laid down under this Act by the boards, or for other misconduct, and also to decide upon the restoration to the register of the name of any person so removed.
- (e) To issue or cancel certificates ; and generally to do any other act or duty which may be necessary for the due and proper carrying out of the provisions of this Act.
- (f) The two boards shall sit conjointly for the purpose of appointing or removing officers, and fixing fees for registration and examination, and the officers shall be responsible to the boards, through their deputy presidents, who together with the president shall have control of all matters appertaining to the management of the affairs of the conjoint boards.

6. The boards may examine any person upon oath, or take a solemn declaration for the purpose of this Act, and if any person wilfully makes any false statement upon such examination or in such declaration, or utters or attempts to utter, or put off as true before the board any false, forged, or counterfeit certificate, diploma, license, letter, testimonial, or other document or writing, he shall be guilty of a misdemeanour, and shall, on conviction, be liable to be imprisoned for any period not exceeding *twelve* months, or to be liable to a fine not exceeding *twenty* pounds.

Power to examine witnesses.

Regulations.

- 7.** (1) Each board may make regulations—
- (a) governing their own proceedings, and defining the duties of their own officers ;
 - (b) regulating the method of electing the elected members of the board ;

Regulations.

(c)

- (c) regulating the issue of certificates to engineers and architects ; the fees payable, and the disposal thereof ;
 - (d) prescribing the conditions under which an engineer or architect may be suspended from practising ;
 - (e) generally to carry out the provisions of this Act.
- (2) The boards sitting conjointly may make regulations governing their proceedings while so sitting.

Registration of architects.

8. Any person who claims to be registered under this Act as an architect shall be so registered if such person— Qualification
for regis-
tration.

- (a) holds some recognised certificate as hereinafter defined ;
- (b) has attained the age of twenty-one years, and has for a period of two years before the commencement of this Act been bona-fide engaged in New South Wales in practice as an architect, and has made application for registration to the board within one year from the commencement of this Act ; or
- (c) has attained the age of twenty-five years, and has been engaged during a period of not less than ten years in the acquirement of professional knowledge in architecture, and has made application for registration to the board within one year from the commencement of this Act ; or
- (d) has attained the age of twenty-five years, and has been engaged during a period of not less than ten years in the acquirement of professional knowledge in architecture, and has passed an examination before the board according to the prescribed regulations ; or
- (e) has attained the age of twenty-one years, and has been a pupil or apprentice for a period of

of not less than four years to an architectural practitioner entitled to be registered under the Act, and has had two years further experience to the satisfaction of the board according to the prescribed regulations :

Provided that no person shall be entitled to be registered until he proves to the satisfaction of the board that he is of good character.

Registration of engineers.

9. Any person who claims to be registered under this Act as an engineer shall be so registered, provided that he satisfies the board that he is of good character, and—

- (a) holds the diploma of corporate membership of either the Institution of Civil Engineers, the Institution of Civil Engineers, Ireland, the American Society of Civil Engineers, the Canadian Society of Civil Engineers, the Institution of Mechanical Engineers, the Institution of Electrical Engineers, or other institution or society recognised by the board ; or
- (b) holds a degree in engineering granted by any British university or other university recognised by the Sydney University, which would allow of his being admitted ad eundem gradum ; or
- (c) has attained the age of twenty-five years, and has a period of two years before the commencement of this Act been bona fide engaged in New South Wales in practice as an engineer, and has made application for registration to the board within one year from the commencement of this Act ; or
- (d) has attained the age of twenty-five years, has served a pupillage of not less than three years in a recognised engineer's office or an apprenticeship of five years in an engineering workshop, has subsequently either followed the profession of an engineer, and passed an examination

examination before the board according to the prescribed regulations ; or having followed the profession of an engineer for five years, has passed an examination which the board considers equivalent to the examination prescribed by the regulations ; or

- (e) has for a period of five years had control of engineering works in the service of this State, or of a public body, or of some person, firm, or company, or on his own behalf, or in partnership with others of such magnitude as in the opinion of the board is sufficient to exempt the applicant from the examination :

Provided that such person is not in the employ of any person, firm, or company acting as agents or manufacturers, or does not himself act as agent or manufacturer either alone or in partnership.

10. The term "recognised certificate" means a certificate, diploma, membership, degree, license, letters, testimonial, or other title, status, or document granted by some university, college, or other public institution in a British possession or foreign country, and which is recognised by the board as entitling the holder thereof to practise engineering or architecture in such possession or country, and as furnishing sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of engineering or architecture, as the case may be.

Recognised certificates of architects and engineers.

11. The registrar shall enter in a register in the prescribed manner and on payment of the prescribed fee the full names and addresses, date and description of qualifications for which registration is granted, and all other prescribed particulars of all engineers and architects, and shall transmit in the month of January in each year a certified copy of such register to the Chief Secretary, who shall cause the same thereupon to be published in the Gazette. A copy of such Gazette shall be prima facie evidence in all legal proceedings that the persons mentioned therein are registered according to the provisions of this Act, and the omission of any name therefrom shall be prima facie evidence that such person is not registered.

Register.

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12. From and after the expiration of two years from the commencement of this Act no person, unless registered under this Act, shall—

Unregistered persons not to assume name or practise.

- (a) take, use, or adopt the title or description of engineer or architect, either alone or in conjunction with any name, title, words, letters, additions, or description implying or leading to the belief that he is qualified to practise as an engineer or architect, or is carrying on the practise of engineering or architecture;
- (b) or practise as an engineer or architect for reward.

Any person offending against this section shall be liable to a penalty not exceeding *twenty* pounds for every such offence, and to a further penalty of *one* pound for every day during which such offence is continued.

Penalty.

13. The boards shall not suspend any engineer or architect, or remove any engineer's or architect's name from the register without sending to such engineer or architect a statement in writing of the conduct imputed to him, and without affording him an opportunity of giving an explanation in writing or in person :

Registration of name removed.

Provided that before an engineer or architect is refused a certificate or is suspended from practice by reason of infamous conduct in any professional respect the board shall make due inquiry, sitting as an open court, and the person charged shall have an opportunity of defence by counsel or in person and shall have the right of appeal to the Supreme Court, and such appeal shall be in the nature of a rehearing.

General.

14. All fees shall be paid to the boards, who shall devote same to the payment of expenses connected with examination and registration, and to the payment of salaries of the officers of the boards and to the general expenses of the boards. The boards shall, as soon as practicable after the thirty-first day of December in each year, publish a financial statement made up to that date and

General fees and financial statement.

and showing the receipts and expenditure, including the liabilities of the board during the year, which statement shall be certified as correct by a public accountant.

15. No certificate required by any Act now in force, Certificates. or that may hereafter be passed, or that is required by custom from an engineer or architect, shall be valid unless the person signing same be registered as an engineer or architect under this Act.

16. Any person who wilfully makes or causes to be made any false entry in or falsification of the register, Penalties for falsification of register. and any person who wilfully procures or attempts to procure himself or any other person to be registered under this Act by making or producing or causing to be made or produced any false or fraudulent representations or declarations either verbally or in writing, and any person aiding or assisting therein, shall be guilty of a misdemeanour, and shall on conviction be liable to be imprisoned with or without hard labour for any term not exceeding twelve months or to a penalty not exceeding *twenty* pounds.

17. All informations or offences against this Act Offences and penalties. shall be laid by the registrar or some other person appointed by the board for that purpose, and all penalties when recovered shall be paid to the boards for the purpose of this Act. All such penalties may be recovered before any stipendiary or police magistrate or two justices of the peace sitting in petty sessions.