

Continuing Professional Development (CPD)

Guidelines for Professional Engineers

These are Guidelines proposed to be issued by the Secretary of the Department of Customer Service (the Secretary), under Schedule 3 of the proposed *Design and Building Practitioners Regulation 2020*. The Guidelines are not final and have been prepared for the purposes of public consultation.

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1. Glossary of terms

Words and expressions used in these Guidelines have the same meaning as they have in the *Design and Building Practitioners Act 2020* (the Act) and the proposed Design and Building Practitioners Regulation 2020 (the Regulation) unless otherwise specified.

Terms	Description
CPD activity	means an activity approved in these guidelines and given a points value by the Secretary.
CPD guidelines	means this document.
CPD year	a registered professional engineer's CPD year is 12 months commencing on their date of registration and the anniversary of that date each year.
Duration of registration	1, 3, or 5 years as specified in the notice of registration, unless cancelled.
Pathway 1	Fair Trading regulates all aspects of the registration process for professional engineers including continuing professional development.
Pathway 2	Fair Trading approves suitable professional engineering bodies to be responsible for assessing eligibility including continuing professional development requirements.
Pathway 3	Fair Trading recognises professional engineering bodies to be responsible for assessing eligibility and ongoing registration requirements including continuing professional development for professional engineers in accordance with the requirements of a Professional Standards Scheme.
Professional Engineer	means a person who is registered under <i>Design and Building Practitioners Act 2020</i> as a professional engineer.
Professional engineering work	means professional engineering work under the <i>Design and Building Practitioners Act 2020</i> .
Registration	means registration granted under the <i>Design and Building Practitioners Act 2020</i> .

2. Introduction

The Design and Building Practitioners Regulation 2020 (the Regulation) outlines the professional standards and qualifications that must be met by professional engineers in NSW. Clauses 2 and 5 of Schedule 3 of the Regulation requires professional engineers to complete continuing professional development each year.

Continuing professional development (CPD):

- helps professional engineers stay informed, up-to-date, skilled and knowledgeable;
- improves professionalism and performance in the building and construction industry through relevant learning;
- enhances consumer protection and public confidence in the building and construction industry.

A person has three options to become registered as a professional engineer. These are through assessment by Fair Trading (Pathway 1), registration or recognition by an approved professional engineering body (Pathway 2) or by being a member of a professional engineering body that operates with a Professional Standards Scheme (Pathway 3). These pathways are defined in the glossary above. The pathway an engineer is registered under determines the CPD requirements they must comply with.

This document identifies:

- 1) CPD obligations for professional engineers registered under Pathway 1 (Sections 4 and 5);
- 2) CPD obligations for professional engineers registered under Pathway 2 (Section 6);
- 3) CPD obligations for professional engineers registered under Pathway 3 (Section 7);
- 4) record keeping requirements (section 8);
- 5) how to apply for an exemption from some or all of the CPD requirements (section 9); and
- 6) consequences for non-compliance with the CPD requirements.

This document also provides a template for professional engineers to record CPD activities to meet their record keeping requirements under the Regulation (see **Appendix 1**).

Professional engineers must also complete any additional CPD requirements imposed on them by the Secretary (see clause 2(2) of Schedule 3 of the Regulation).

3. CPD requirements

3.1 CPD requirement

Under clause 5 of Schedule 3 of the Regulation, a professional engineer must successfully complete CPD each year in the following way:

Category	Status of registration	CPD requirement
Professional engineer – Pathway 1	Registered by Fair Trading	60 points of relevant education and training per CPD year.
Professional engineer – Pathway 2	Recognised or registered by a recognised engineering body	Satisfy the CPD requirements imposed by the body.
Professional engineer – Pathway 3	Member of a professional body of engineers that operates with a Professional Standards Scheme.	Satisfy the CPD requirements that are imposed by the professional body of engineers in accordance with the Professional Standards Scheme.

3.2 Points entitlement for CPD requirements under Pathway 1

Each CPD activity is allocated a points value, depending on the activity (see section 4). The use of points rather than a specific number of hours will enable the Department to create a more structured regime which ensures CPD activity is deliberately focused and directed at activities which are relevant to professional engineer's area of practice.

The objective of the CPD Scheme is to encourage practitioners to participate in CPD that will promote learning outcomes in essential areas. For this reason, some formal CPD activities are worth more than 1 point per hour.

Activity that is 1 CPD point per 1 hour

The smallest fraction of a CPD point that can be claimed is $\frac{1}{2}$ CPD point for 30 minutes of an activity. Where an activity does not result in full or half points, the CPD point must be rounded down to the nearest half point. Any CPD activity that takes less than 30 minutes cannot be counted towards meeting the professional engineer's CPD obligations.

For example:

If John attends a seminar for 2 hours and 15 minutes, he can claim 2 CPD points.

If John attends a seminar for 2 hours and 20 minutes, he can claim 2 CPD points because he must round down the time.

If John attends a seminar for 2 hours and 45 minutes, he can claim 2.5 CPD points because he must round down the time.

Activity that is 2 CPD points per 1 hour

The smallest fraction of a CPD point that can be earned for an activity with 2 CPD points per hour is 1 CPD point for 30 minutes of an activity. Where an activity does not result in 1 or 2 points, the CPD point must be rounded down to the nearest 1 point.

For example:

If John attends a university lecture for 1 hour and 15 minutes, he can claim 2 CPD points.

If John attends a university lecture for 1 hour and 35 minutes, he can claim 3 CPD points because he must round down the time.

If John attends a university lecture for 2 hours and 25 minutes, he can claim 4 CPD points because he must round down the time.

3.3 Surplus CPD points for CPD requirements under Pathway 1

Where a professional engineer earns more CPD points than is required (i.e. more than 60 CPD points) they can carry forward up to 10 surplus CPD points into the next CPD year.

A professional engineer that carries over CPD points into the next CPD year must still meet minimum CPD point requirements for each CPD mandatory topic area (see section 4.2).

For example:

If a professional engineer earned 70 points in one year, 10 points could be carried to the next year. In the second year, the professional engineer would only need to complete an additional 50 points to satisfy their CPD requirement.

Surplus points cannot carry across multiple years.

For example:

A professional engineer who completes 90 points in CPD year 1 can only carry over 10 surplus points for CPD year 2. The remaining 20 surplus points cannot be carried over to CPD year 3.

4.1 CPD requirement

Under clause 5(2)(c)(i) of Schedule 3 of the Regulation, one option for professional engineers under Pathway 1 to satisfy their CPD requirements under the Regulation is to successfully complete at least 60 points of approved relevant education and training each CPD year.

Professional engineers who complete at least 60 CPD points each year from the following learning categories **do not** need to complete a CPD program offered by an approved professional body (see section 5 – option 2).

The following categories do not apply to professional engineers – Pathway 2 (see section 6 for CPD requirements for those engineers) and professional engineers – Pathway 3 (see section 7 for CPD requirements for those engineers).

4.2 Approved education and training

Mandatory CPD topic areas

To meet a professional engineer's CPD requirements, of the 60 points a professional engineer undertakes each CPD year:

- a) at least 30 points must relate to the professional engineer's area of practice (including reinforcing and updating knowledge of the National Construction Code),
- b) at least 5 points must cover risk management,
- c) at least 5 points must address business and management skills,
- d) the remainder must address activities relevant to the professional engineer's career and interests, provided it is relevant to the engineer's work and class of registration.

CPD points may be earned by undertaking activities that fall within any of the categories below, noting the limits on some categories.

Calculating CPD Points – Formal education and training

Formal CPD involves participating in structured and organised activities, where there are clear objectives and learning outcomes, including an assessment measure, and where attendance or participation can be evidenced. This does not include courses used to satisfy mandatory qualifications for registration as a professional engineer (however course work for higher levels of education can be used to satisfy CPD points).

Activities that fall within this category earn **1 or 2 CPD points per hour** spent undertaking the activity, as specified below and are **unlimited each year**. However, please note the maximum points for CPD activities listed below in e), f), and g). These CPD activities are limited to ensure that a professional engineer undertakes a varied CPD program.

Examples of activities in this category include:

- a) courses available from the Construct NSW Learning Management System to satisfy requirement to keep knowledge of the National Construction Code current (1 hour = 2 CPD points),
- b) courses available from the Australian Building Code Board NCC CPD system (1 hour = 2 CPD points),

- c) provider-delivered activities that include a structured assessment task that genuinely tests participants' understanding of content (1 hour = 2 CPD points),
- d) provider-delivered activities that are structured to include significant interaction between the presenter and the participant, such as a structured workshop where participants are required to complete an individual or group task (1 hour = 2 CPD points),
- e) activities relating to the preparation and delivery of formal CPD activities – this may involve time spent researching, writing articles, developing assessments for all types of formal CPD activities, but does not include time spent delivering material; (1 hour = 1 CPD point) (*a maximum of 5 points per CPD year may be claimed in this category*),
- f) activities relating to the teaching of a subject, directly related to the professional engineer's class of registration, at a tertiary level that involves significant preparation and/or scholarship, such as the development of a new course and/or lecture content and/or the definition of new curriculum (1 hour = 1 CPD point); (*a maximum of 10 points per CPD year may be claimed in this category*),
- g) authorship of published peer-reviewed academic articles or books – limited research and writing activities (1 hour = 1 CPD point) (*a maximum 5 points per CPD year may be claimed in this category*).

Calculating CPD Points – Informal education and training (maximum 20 points each CPD year)

Informal CPD involves activities undertaken by the individual, like self-directed learning, reading and research. To qualify, the CPD activities must be in addition to activities already undertaken in the normal course of practice or employment.

Activities that fall within this category earn **1 CPD point per hour** spent undertaking the activity, **up to a maximum of 20 points each year**.

Examples of activities in this category include:

- a) engineering related lectures and seminars that do not satisfy requirements for formal CPD activities above,
- b) self-directed study of practice notes, reading technical/professional journals, listening to technical/professional podcasts, etc.,
- c) talks and presentations by peers, including group and team discussions, or workshops, online discussion forums on a subject matter that is relevant to a professional engineer's work,
- d) involvement in mentoring or coaching programs where personal and practical skills relevant to a professional engineer's work are developed,
- e) tutoring at a tertiary level in an area relevant to a professional engineer's work where there is no significant preparation and/or involvement in the development of new content or curriculum,
- f) professional activities and teaching in an area relevant to a professional engineer's work including researching and writing articles for journals or other publications and preparing and/or presenting material for courses, conferences, seminars or symposia.

Features of informal CPD activities include:

- a) new knowledge and skills are acquired from, or shared with, peers,

- b) learning outcomes can be identified,
- c) activity is intended to be educational and is in addition to activities already undertaken in the normal course of practice or employment,
- d) consideration has been given as to how the knowledge and skills gained from the activity may be applied to practice or employment.

Examples of activities that cannot be considered to be CPD include:

- a) activities already undertaken in the normal course of practice or employment,
- b) social activities,
- c) networking,
- d) running a personal website, blog or newsletter,
- e) participation in marketing events.

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5.1 CPD program from an approved professional body

As an alternative to undertaking the approved education and training activities as detailed in section 4, professional engineers under Pathway 1 can choose to earn CPD points by participating in a program offered by an approved professional body and will earn the number of points determined by that professional body.

Professional engineers must complete a CPD program that is relevant to their class of registration. The points value determined by the approved professional body (even if the points vary from the 60 CPD points required under clause 5(2)(c)(ii) of Schedule 3 of the Regulation) would require the professional engineer to complete the full program to meet the CPD requirements under the Regulation.

Professional engineers completing a CPD program from an approved professional body may carry over surplus points from the previous CPD year if permitted as part of the approved program they offer.

A professional engineer who completes a CPD program provided by an approved professional body is not required to earn CPD point by undertaking activities detailed in section 4.

The professional bodies listed below have been approved by the Secretary:

[no professional bodies have been approved, but this section has been included for the purposes of consulting on the model that would apply if the Secretary was to approve any bodies]

6.1 CPD Requirement

Under clause 5(2)(b) of Schedule 3 of the Regulation, a professional engineer who is recognised or registered by a recognised engineering body must satisfy the CPD requirements imposed by the body.

A professional engineer may be required to complete additional CPD requirements if directed by the Secretary of the Department of Customer Service.

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7.1 CPD Requirement

Under clause 5(2)(a) of Schedule 3 of the Regulation, a professional engineer who is a member of a professional body of engineers that operates with a Professional Standards Scheme must satisfy the CPD requirements that are imposed by the body in accordance with the Professional Standards Scheme.

A professional engineer may be required to complete additional CPD requirements if directed by the Secretary.

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8.1 Record keeping

Professional engineers must keep written records specifying how the professional engineer has satisfied their CPD requirements for each year and maintain those records for at least five years (see clause 3 of Schedule 3 of the Regulation).

The written records should be accompanied by evidence in support of the activities completed, such as:

- certificates of completion from an RTO, TAFE or Australian university,
- records of attendance that specify the registered professional engineer's name, course/training title and date/s, duration, trainer's name and training organisation.

If requested in writing, a professional engineer must provide copies of records of completed CPD to the Secretary (see clause 3(c) of Schedule 3 of the Regulation).

Appendix 1 provides a suggested template to record CPD activities. This is not a mandatory template. The template is an example only and the examples provided are to be deleted. Professional engineers can modify the template to suit their needs, if the minimum information is captured.

9.1 Exemptions

In certain circumstances, the Secretary may exempt a professional engineer from some or all CPD requirements if it is reasonably necessary to do so (see clause 2(2)(a)(ii) of Schedule 3 of the Regulation). While not exhaustive, some examples of circumstances in which the Secretary may consider it reasonably necessary to provide an exemption include:

- where the professional engineer is ill (or caring for someone ill) for a significant portion of the period of registration, and therefore is unable to complete CPD or carry out work in accordance with the Act,
- where the professional engineer is not working due to maternity leave, military leave, etc, or
- in circumstances where there is a pandemic or other declared natural disaster.

Professional engineers may apply for an exemption from the Secretary in writing by sending an email to: *[email address to be provided when scheme in force]*.

The request must include:

- the professional engineer's name and registration number,
- the CPD undertaken by the professional engineer that CPD year,
- whether a partial or full exemption is sought,
- the reasons why the professional engineer has not, or cannot, meet CPD requirements and why the Secretary should consider providing an exemption,
- any dates that support the request (e.g. dates of leave),
- any documentation to support the request.

Professional engineers who apply for an exemption will be advised by email of the outcome of the request within 28 days.

The Secretary may also publish a notice in the Gazette exempting a class of professional engineer from some or all of the CPD requirements (see clause 2(2)(b) of Schedule 3 of the Regulation).

9.2 Non-compliance

Under section 64 and 66 of the Act, the Secretary may take disciplinary action if the professional engineer does not meet CPD requirements, unless an exemption has been granted.

The Code of Practice for professional engineers, under Schedule 4 of the Regulation requires professional engineers to remain informed of developments in practices relating to professional engineering work that are relevant to engineer's prescribed area of engineering, and relevant law. A breach of the Code of Practice may also be grounds for disciplinary action and it is a condition of registration that a professional engineer must comply with the Code of Practice.

10. Appendix 1 – Template to record completed CPD

Learning category	Name of course, seminar, book	Course Code or ID (if applicable)	Location and dates	Type of learning	Name of trainer, organisation, writer	Type of supporting documents	Duration (in hours/minutes)	CPD Points earned
<i>Seminar</i>	<i>NSW Planning portal</i>	<i>N/A</i>	<i>21 August 2021</i>	<i>Online</i>	<i>Construct NSW Learning Management System</i>	<i>Record of attendance</i>	<i>2 hours</i>	<i>4</i>
CPD points earned per year					Surplus points earned			
Total CPD points earned (year 1)			<i>60</i>	Surplus points		<i>0</i>	<i>-</i>	
Total CPD points earned (year 2)			<i>70</i>	Surplus points		<i>10</i>	<i>10</i>	

Total CPD points earned (year 3)	<i>50</i>	Surplus points	<i>0</i>	-
Total CPD points earned (year 4)	<i>65</i>	Surplus points	<i>5</i>	<i>5</i>
Total CPD points earned (year 5)	<i>55</i>	Surplus points	<i>0</i>	-

Note: This is an example template. Examples shown in italics should be removed. Professional engineers can modify the template to suit their needs if it contains the necessary information.

11. Appendix 2 – Questions

We would appreciate your feedback on the Continuing Professional Development Guidelines for Professional Engineers. Below are some questions you may want to answer. We also welcome your general feedback on the Guidelines.

Please use the Design and Building Practitioners Regulation 2020 [Submission Template](#) to record your feedback and submit to the Department.

1. Do you support the proposed CPD structure and allocation of points? Why/why not?
Please make any suggestions for amendments and explain why they are necessary.
2. Do you support the mandatory CPD topic areas? Why/why not? Please make any suggestions for amendments and explain why they are necessary.
3. Are there any activities that should be included/not included as:
 - a) Formal education and training activities?
 - b) Informal education and training activities?
4. Structured training courses available from Construct NSW Learning System and from the Australian Building Codes Board are proposed to count for 2 CPD points. Do you support this approach?
5. The Department is working with industry to develop courses that would assist professional engineers. What courses or topic areas should be developed and available on the Construct NSW Learning Management System? We are particularly interested in providing courses that cover gaps in current learning content.
6. Are there any other general comments you would like to make on the Continuing Professional Development Guidelines for Professional Engineers?