

PART 4 MUTUAL EXEMPTION FRAMEWORK GUIDELINES FOR REGULATORY AUTHORITIES

Preamble

Statutory bodies and governments are encouraged by the APEC Engineer Coordinating Committee to have regard to the following guidelines so that exemptions are granted consistent with a Mutual Exemption Framework, based upon the APEC Engineer Framework.

A mutual exemption framework, which would confer exemption, in whole or in part, upon APEC Engineers from further assessment by the statutory bodies that controlled the right to practise in each participating economy, can be concluded only with the involvement and consent of those statutory bodies and the relevant governments.

Only complete or partial exemption of APEC Engineers from the assessment mechanisms operating in the host jurisdiction is at issue, not exemption from the requirement to become licensed or registered in the economy concerned.

Issues to be Considered

The various conditions that must be satisfied after substantial equivalence has been recognised and before the right to independent practice could be granted have been identified as:

- technical issues specific to the host jurisdiction
- legal and practice issues specific to the host jurisdiction
- responsibility, accountability, and liability

Language

Given the nature of communication in engineering practice, the relationship between engineers and their clients, and the widespread use within and between APEC economies of English as a common language for exchanging technical and professional information, there should be no need to require that APEC Engineers demonstrate any specific measure of fluency in an official language of the host economy. The capacity of practitioners to attract commissions from clients for independent practice will in any case be governed by their ability to communicate effectively with such clients.

Specific Technical, Legal and Practice Issues

The extent to which any additional assessment would be required depends on the kind of practice being contemplated.

- *Practice within a Sponsoring Organisation*

Where an APEC Engineer seeks a license only in order to practise within a sponsoring organisation, or through a formal relationship with engineers already licensed for independent practice, the Coordinating Committee considers that few, if any, issues should arise.

- ***Independent Practice***

Where an APEC Engineer seeks licensing, conferring the right to independent practice, the forms of assessment that might be applied could include:

- submission of practice statement, and/or
- formal examination and/or interview, and/or
- adaptation period (not exceeding a negotiated limit), and /or
- exemption for very experienced engineers.

Assessment

In general, while accepting that statutory authorities are responsible for protecting the health, safety and welfare of the community, the Coordinating Committee has a strong preference for adopting the least intrusive forms of assessment compatible with that responsibility. The objectives of any supplemental assessment mechanisms should be to provide the relevant authorities with a satisfactory degree of confidence that the practitioners concerned:

- understand the general principles behind applicable codes of practice;
- have demonstrated a capacity to apply such principles safely and efficiently; and
- are aware of the special requirements operating within the host jurisdiction.

There are, at present, significant variations in the mechanisms through which these principles are applied in different APEC economies. The following actions are recommended by the APEC Engineer Coordinating Committee as being likely to reduce unnecessary barriers from the point of view of those applying for rights to practise:

- Assessment relating to specific technical, legal or practice issues should be implemented only at the point when APEC Engineers actually propose to engage in the relevant forms of practice, rather than at the point where a general right to practise is conferred.
- Where supplemental assessment is considered necessary, requiring APEC Engineers to complete an adaptation period of sponsored practice within the host jurisdiction would be preferable to requiring them to undertake further formal assessment.
- Where such adaptation periods have been specified, their duration should not normally exceed 12 months, which would have to be negotiated among the economies. The Monitoring Committee authorised to establish and maintain the Register of APEC Engineers within the host jurisdiction might often be well placed to monitor and assess the outcomes of the adaptation periods.

Responsibility, Accountability and Liability

The APEC Engineer Coordinating Committee considers that APEC Engineers should be held individually accountable for their actions, both through requirements imposed by each registering body and through legal processes, some of which may need to be negotiated amongst the participating economies.

Implementation

Many projects developed within APEC are based upon voluntary participation, and this is the preferred approach for implementing the APEC Engineer Register and the related Mutual Exemption Framework. Interested member economies have participated in developing and establishing the APEC Engineer and now seek to relate it to a Mutual Exemption Framework. Any other APEC member economy has the right to be represented on the APEC Engineer Coordinating Committee once a Monitoring Committee has been established which is prepared to operate in compliance with the APEC Engineer Framework and Rules and has the confidence of the relevant authorities within that economy. Such a Monitoring Committee may subsequently seek authorisation to establish and maintain an APEC Engineer Register.

The APEC Engineer Coordinating Committee recommends that a similar approach be adopted for the establishment of a Mutual Exemption Framework.