

**A BILATERAL FRAMEWORK
TO FACILITATE MOBILITY
FOR
MUTUAL RECOGNITION OF
REGISTERED / LICENSED ENGINEERS**

October 2003

MEXT

Ministry of Education, Culture,
Sports, Science and Technology
Japan



The Institution of Professional Engineers, Japan

IPEJ



**ENGINEERS
AUSTRALIA**



National
Engineering
Registration
Board

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1. PARTICIPANTS

- 1.1 The Ministry of Education, Culture, Sports, Science and Technology (MEXT), which has the power to grant use of the title **Professional Engineer** in Japan, is the first signatory to this Framework.
- 1.2 The Institution of Professional Engineers, Japan (IPEJ), which is the designated examination and registration organisation in Japan and also entrusted by the Japan Monitoring Committee to assess candidates from the Professional Engineers for registration as **APEC Engineers in Japan**, is the second signatory to this Framework.
- 1.3 The Institution of Engineers Australia (Engineers Australia) which is authorised to maintain the National Professional Engineers Register in Australia and also authorised by the Australian Monitoring Committee to register **APEC Engineers in Australia**, is the third signatory to this Framework.
- 1.4 The National Engineering Registration Board in Australia, which is established to supervise the operation of National Engineering Registers to safeguard the public interest, is the fourth signatory to this Framework.

2. DESCRIPTIONS

“APEC Engineer” means an engineer whose name appears on the APEC Register of his or her home country, being either Japan or Australia.

“Home country” means the country in which an engineer is registered / licensed.

“Host country” means the country to which an engineer applies for recognition under the terms of this Framework.

“Practice of engineering” is as defined in each country for that country;

“Signatories” are the participants to the Framework.

The “Japanese side” means MEXT and IPEJ

The “Australian side” means Engineers Australia and the National Engineering Registration Board in Australia.

“Registration / licensing” means the process by which a person obtains:

- a) registration on the National Professional Engineers Register in Australia; or
- b) registration on the Professional Engineers Register in Japan.

3. BASIS OF FRAMEWORK

- 3.1 Monitoring Committees in both countries are authorised by the APEC Engineer Coordinating Committee to operate APEC Engineer Registers in their respective countries, and both sides have set up and continue to operate such registers.

- 3.2 Each side shares the recognition that all requirements for registration / licensing as a professional engineer in its country are met by engineers whose names appear on the APEC Engineers Register of the other country, subject to the conditions and exceptions set out below.
- 3.3 Nothing in this Framework will apply to individual practice or malpractice disputes in the courts.
- 3.4 Nothing in this Framework applies to engineers in a home country who have obtained registration / licensing in their home country by means of a mutual recognition agreement involving a professional association in other countries/ APEC economies.

4. PURPOSE

- 4.1 This Framework is intended to permit the registration / licensing in each country of registered / licensed engineers who are also APEC Engineers from the other country. This Framework sets out standards, criteria, procedures and measures which:
 - a) are based on objective and transparent criteria, such as competence and the ability to provide a service;
 - b) are not more burdensome than necessary to ensure the quality of a service; and
 - c) do not constitute a disguised restriction on the cross-border provision of a service.

5. SCOPE OF FRAMEWORK

- 5.1 This Framework applies to registered / licensed engineers whose names appear on the APEC Engineer Register of the home country. It is intended that there be no discrimination based on place of origin or place of education.
- 5.2 This Framework is intended for permanent or temporary registration / licensing, depending on the needs of the individual applicant and any legislative limitations in each country.
- 5.3 This Framework applies to the disciplines for which both countries have a similar scope, such as Mechanical, Electrical, Chemical, as listed in the APEC Engineer Manual.
- 5.4 This Framework does not apply where disciplines have a different scope.

6. MUTUAL RECOGNITION PROVISIONS

- 6.1 Current Registration / Licensing Practices
 - a) State and Territory governments regulate the registration of professional engineers in Australia. Most governments rely on the Trade Practices Act and on common law to control the practice of professional engineers. In Queensland there is a Professional Engineers Act that establishes a Board to register professional engineers against standards established under regulation. Engineers Australia administers a National Professional Engineers Register under the supervision of a board with public representation, known in Australia as the National Engineering Registration Board.
 - b) MEXT regulates the registration of professional engineers in Japan under the Professional Engineer Law. MEXT has designated IPEJ as the examination and registration organisation for Professional Engineers in Japan.

6.2 Registration / Licensing in the Host Country under this Framework

- 6.2.1 The primary qualification for registration / licensing in the host country pursuant to this Framework is membership in the APEC Engineer Register in the home country.
- 6.2.2 Applicants must, in addition to demonstrating that their names are entered in the APEC Engineer Register in the home country, fulfil the following in order to qualify for registration / licensing pursuant to this Framework:
- a) Agree to:
 - i) abide by the laws, rules and regulations of the host country;
 - ii) meet the continuing competency assurance requirements of the host country; and
 - iii) conform to ethical standards of truth, honesty and integrity as the basis for ethical practice including, at a minimum, abiding by the ethical standards in the host country.
 - b) Demonstrate that they have obtained the equivalent of one year of experience in the host country;
 - c) Declare any previous application for registration / licensing to the host country; and
 - d) Complete an application form and pay any fee required.
- 6.2.3 Both sides reach the common recognition that such fees should be reasonable and cover the costs only of assessing the applicant.
- 6.2.4 Each side will make its own arrangement for assessment and offer facilities for representative(s) of the other to be present as observers at any required examinations or interviews.
- 6.2.5 Each country will retain full discretion as to the registration / licensing of any applicant. If the host country rejects an applicant, who is qualified for registration / licensing pursuant to this Framework, on other grounds or insists upon additional requirements, the host country, upon request, will inform the home country of the reasons for such rejection or additional requirements.
- 6.2.6 Nothing in this Framework will preclude an applicant from pursuing registration / licensing in a host country through the exercise of alternative procedures.

7. IMPLEMENTATION

- 7.1 Both sides resolve to provide to each other a regularly updated report on implementation.

8. DISCIPLINE AND ENFORCEMENT

- 8.1 Both Engineers Australia and the National Engineering Registration Board in Australia will extend co-operation to the extent possible on enforcement and disciplinary issues in Australia.
- 8.2 Both MEXT and IPEJ will extend co-operation to the extent possible on enforcement and disciplinary issues in Japan.

- 8.3 An application for registration / licensing must include disclosure of sanctions related to the practice of engineering in any other countries / APEC economies both within and outside APEC economies participating in the APEC Engineer Coordinating Committee. Information regarding sanctions may be considered in the registration / licensing process.
- 8.4 An application for registration / licensing under this Framework must include the applicant's written permission to distribute and exchange information regarding sanctions between both sides. Failure to fully disclose or provide any of the required information may be the basis for denial of the application for registration / licensing, or for sanctions, including revocation of the registration / licence.
- 8.5 Each country will take appropriate disciplinary action if an engineer violates standards of that country. Each country will promptly report sanctions to all other countries / APEC economies in which it knows the engineer is a registered / licensed engineer.
- 8.6 A country will take appropriate action, subject to its own rules of procedure and principles of due process, related to a sanction that is reported to them by another country. Each home country will provide for review of cross-border sanctions.

9. IMMIGRATION AND VISA ISSUES

- 9.1 Registration / licensing in a host country does not avoid the need to comply with applicable immigration and visa requirements of the host country.

10. INFORMATION EXCHANGE

- 10.1 The signatories will notify each other and provide copies of any major changes in policy, criteria, procedures and programs that might affect this Framework.
- 10.2 The signatories will provide an annual accounting to each other of all applicants who have applied pursuant to the terms of this Framework.

11. CONSULTATIONS

- 11.1 The signatories to the Framework will at all times endeavour to have a common recognition on the interpretation and application of this Framework, and will make every attempt through co-operation and consultation to arrive at a mutually satisfactory resolution of any matter that might affect its operation.
- 11.2 A signatory may request in writing consultations with the other signatories regarding any actual or proposed measure or any other matter that it considers might affect the operation or interpretation of this Framework.

12. TERM OF FRAMEWORK

- 12.1 Both sides to the Framework will, at least every five (5) years, review and update the status of implementation and report on the effectiveness of the Framework, and recommend changes where appropriate.
- 12.2 The activities under this Framework will be initiated on the date of signature, and may be terminated by either side by giving to the other side at least six (6) months prior written notice. A signatory's withdrawal from the Framework will not affect a right to practise in a host country obtained through this Framework.

12.3 This Framework will automatically terminate if the Monitoring Committee in either country ceases to be authorised by the APEC Engineer Coordinating Committee to operate an APEC Engineer Register.

SIGNED first day of October, 2003.

Signatories

JAPANESE SIDE

The Ministry of Education, Culture, Sports, Science and Technology

(signature)

.....
Yukihide Hayashi, Director-General, Science and Technology Policy Bureau

The Institution of Professional Engineers, Japan

(signature)

.....
Shigetsugu Seino, President

AUSTRALIAN SIDE

The Institution of Engineers Australia

(signature)

.....
Dr Peter Greenwood, President

The National Engineering Registration Board in Australia

(signature)

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Mr David Singleton, Chair