

This scheme commenced on 5 December 2000 and ceases on 4 December 2005. - (extended until 2006)

THE INVESTIGATIVE AND REMEDIAL ENGINEERS SCHEME
Professional Standards Act 1994 (NSW)

PREAMBLE

OCCUPATIONAL ASSOCIATION

The Investigative and Remedial Engineers Scheme (the scheme) is a scheme under the Professional Standards Act 1994 (NSW) (the Act) applying in respect of the College of Investigative and Remedial Consulting Engineers of Australia Incorporated (CIRCEA). The College of Investigative and Remedial Consulting Engineers of Australia Inc is an occupational association of specialist consulting engineers which has its business address located at 4/66 Hampden Road Artarmon NSW.

The Investigative and Remedial Engineers Scheme limits the occupational liability of members of the CIRCEA to whom the scheme applies. The CIRCEA requires members to be independent practising professional engineers with qualifications equal to that of a Corporate Member of the Institution of Engineers of Australia (IEAust) and be registered on the National Professional Engineers Register (NPER) of IEAust.

The CIRCEA charter requires of its members that:

- They have had a minimum of twenty years practice as a professional engineer,
- They have had a minimum of five years experience as a Principal of a consulting engineering practice,
- They have played a recognised leadership role in their field of expertise,
- They are a practitioner rather than a manager and, to this end, they expend a personal minimum of 500 hours each year in the practice of investigative, remedial or forensic (IRF) engineering consultancy, and
- In order to ensure the importance and autonomy of IRF consultancy, the proportion of IRF work should constitute at least 25% of the total turnover of the practice.

NATURE OF THE SCHEME

A scheme operates for the purpose of improving the occupational standards of professionals and others and to protect the consumers of their services. It also limits the civil liability of members of the association who are covered by the scheme.

The liability limited by the scheme includes, to the extent permitted by the Act, all civil liability arising (in tort, contract or otherwise) directly or vicariously from anything done or omitted by a

member of the CIRCEA or to any person whom the scheme applies in acting in the performance of his or her occupation. The scheme does not apply to liability for damages arising from any matter to which the Act does not apply, including, but not limited to, liability for damages arising from death or personal injury to a person, a breach of trust, fraud or dishonesty.

STANDARDS OF INSURANCE

Members to whom the scheme applies are required to maintain a current professional indemnity insurance policy that meets the standards specified from time-to-time by the CIRCEA in accordance with Section 27 of the Act. The amount payable under the insurance policy in respect of occupational liability is to be not less than the person's limitation of liability. In addition, members are to maintain, and to declare annually to the occupational association that they hold, sufficient assets to cover any deductible amount applicable under the insurance policy up to \$10,000 or a bank guarantee for amounts of deductible above that amount.

CLAIMS FOR MONITORING

The CIRCEA will regularly review and monitor liability claims made against members. An objective of claims monitoring is to identify areas for developing strategies to improve standards and to minimise claims. The association will report annually on claims monitoring and strategies.

RISK MANAGEMENT

The association administers strategies designed to minimise risk through adherence to high standards of professional conduct and maintenance of professional competencies. As a primary strategy, the CIRCEA maintains membership entry prerequisites with minimum educational and experience requirements.

Members are also required to undertake continuing professional development and the CIRCEA provides to its members a continuing series of seminars on topics particular to practice management and IRF engineering. Members are required to maintain registration on NPER which requires that they undertake at least 50 hours of continuing professional development per year, to adhere to the IEAust Code of Ethics, and to be subject to a complaints and discipline system.

The association has established a system of Risk Management based on Australian and New Zealand Standard 4360:1995 which is mandatory for each practice covered by the scheme. This risk management system is audited on a 2 yearly basis by the association. Seminars are conducted by the CIRCEA on risk management from time-to-time in order to assist members. The CIRCEA will report annually on the implementation and monitoring of its risk management strategies, the effect of those strategies and any changes made or proposed to be made to them.

COMPLAINTS AND DISCIPLINE

Members to whom the scheme applies are subject to a complaints and discipline system administered by the CIRCEA under the College of Investigative and Remedial Engineers of Australia Complaints and Discipline Code, and to the IEAust Disciplinary Regulations for failure to maintain appropriate engineering standards for complaints and discipline under NPER. All members of the association must comply with the IEAust Code of Ethics and the requirements of NPER.

SCHEME ADMINISTRATION

Administration of the scheme will be undertaken by the CIRCEA. The association will maintain a register of the members to whom the scheme applies, stored at its business address.

DURATION

The scheme remains in force for a period of 5 years from its commencement unless it is revoked, extended or ceases in accordance with Section 32 of the Act.

THE INVESTIGATIVE AND REMEDIAL ENGINEERS SCHEME

1. Occupational Association

- 1.1 The Investigative and Remedial Engineers Scheme (the scheme) is a scheme under the Professional Standards Act 1994 (NSW) (the Act) of the College of Investigative and Remedial Consulting Engineers of Australia Incorporated, 4/66 Hampden Road Artarmon NSW 2064.

2. Persons to Whom the Scheme Applies

- 2.2 The scheme applies to all members of the CIRCEA to whom a scheme in relation to members of the CIRCEA applied on 5 December 1999 or who first became a member of the CIRCEA on or after 6 December 1996 and whose principal place of business is in NSW. The scheme also applies to other persons by virtue of sections 18, 19 and 20 of the Act.

3. Limitation of Liability

- 3.1 A person to whom the scheme applies and against whom a cause of action relating to occupational liability is brought is not liable in damages in relation to that cause of action above the maximum amount of liability applicable to the person within the class of persons specified in the scheme where the person is able to satisfy the court that the person has the benefit of an insurance policy insuring the person against that occupational liability and under which the amount payable in respect of the occupational liability relating to that cause of action is not less than the maximum amount of liability specified in the scheme in relation to the person at the time at which the act or omission giving rise to the cause of action occurred.

3.2 The maximum amount of liability of a person is the amount specified in clause 3.3 of the scheme.

3.3 Classes of Persons/Maximum Amount of Liability

Class	Description	Maximum amount of liability
1	All persons to whom the scheme applies as specified in clause 2.1 unless the person is within class 2,3 or 4	(a) \$500,000
2	All persons to whom the scheme applies as specified in clause 2.1 where the member of the CIRCEA to whom the scheme applies selects and specifies a higher maximum amount of liability of \$1,000,000	(b) \$1,000,000
3	All persons to whom the scheme applies as specified in clause 2.1 where the member of the CIRCEA to whom the scheme applies selects and specifies a higher maximum amount of liability of \$2,000,000	(c) \$2,000,000
4	All persons to whom the scheme applies as specified in clause 2.1 where the member of the CIRCEA to whom the scheme applies selects and specifies a higher maximum amount of liability of \$3,000,000	(d) \$3,000,000

3.4 However, a different maximum amount of liability of \$1,000,000 applies where the kind of work in relation to the cause of action relating to the occupational liability is of the kind specified in clause 3.4.1 of the scheme.

3.4.1 Kind of Work: Certification by an accredited certifier under the Environmental Planning and Assessment Act (NSW) 1979 Part 4A.

4. Commencement of the Scheme

4.1 The scheme commences on 5 December 2000.