



HVIA Submission

Review of the Victorian
Professional Engineers
Registration Scheme

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Background

Heavy Vehicle Industry Australia (HVIA) is the peak industry association for Australian manufacturers of trucks and trailers (collectively referred to as heavy vehicles), as well as the dealerships, repairers, suppliers, and service providers that support the entire industry. We represent almost every major truck manufacturer/importer, all of Australia's major trailer manufacturers, and an ever-growing list of their component, equipment and technology providers.

HVIA's 300-plus corporate members collectively employ a local workforce of over 70,000 staff. Our member's interests cover an extensive range of vehicles, starting with 3.5-tonne light commercial trucks, and extending all the way up to Australia's unique 50-metre long, 100-tonne road trains.

The industry provides some of the world's most efficient, safe, innovative, and technologically advanced vehicles. HVIA seeks to work with government and industry stakeholders to promote an innovative and prosperous industry that supports a safe and productive heavy vehicle fleet operating for the benefit of all Australians.

General comments on the Victorian Professional Engineers

Registration Scheme

HVIA was not in favour of the inclusion of engineers working in the heavy vehicle industry in the scope of the Victorian Professional Engineers Registration (PERA) scheme when it was first contemplated.

HVIA's strong view remains that the scheme should not apply to heavy vehicles, nor to engineers working in the heavy vehicle industry. The heavy vehicle industry in Australia is already heavily regulated and the push over the last 35 years has been to move away from state-based regulation of the industry, in favour of national regulation.

The key to making progress is to consolidate and harmonise regulations under the National Heavy Vehicle Regulator (NHVR) which is responsible for the Heavy Vehicle National Law (HVNL), and the Department of Infrastructure Transport, Regional Development, Communications, Sports and the Arts (from here on referred to as the Department of Infrastructure) which is responsible for the Road Vehicle Standards Act (RVSA). It is crucial that existing state-based impediments to the harmonisation of these arrangements (such as the PERA) are removed and that no new state-based schemes are introduced.

Overall, the PERA represents an unnecessary regulatory burden on the heavy vehicle industry, it acts as a disincentive for the industry to operate in Victoria and produces no benefits for the general community.

A summary of the major points of HVIA's response and responses to specific questions of the Discussion Paper follows.

Summary of HVIA's major points

- HVIA strongly recommends that engineers working in the heavy vehicle industry and engineering work should be explicitly exempted from the PERA. Members have encountered considerable difficulty in establishing whether their services are captured.

- The heavy vehicle industry is national, and the vehicles and components provided by the industry should be explicitly regarded as 'generic products', that can be used in any state and hence should be exempt from the PERA.
- It is arguable that much of the engineering work undertaken by the heavy vehicle industry is based on prescriptive standards and hence not within the scope of the PERA, however the guidance material isn't clear enough to provide that certainty to the industry.
- Separately, the guidance material is flawed and requires urgent attention, alongside the Practice Note, which should be updated to exempt/exclude heavy vehicles, and heavy vehicle engineering work.
- The qualification and experience requirements are out of line with industry standards. The existing regulatory approaches already used within the heavy vehicle industry are more suitable than the PERA.
- The CPD requirements of Business Licensing Authorities are largely irrelevant to the heavy vehicle industry.
- Existing compliance and enforcement arrangements under the RVSA and HVNL have audit and penalty arrangements built into them which are appropriate for the tasks performed.

Responses to specific questions in the Discussion Paper

Engineering services captured under the PERA

Q1. Have you been able to determine whether the services you provide fit into a category?

In late 2023, and prior to the inclusion of mechanical engineering into the scheme, HVIA sought clarification of the scope of the scheme from Consumer Affairs Victoria and was told that they would not provide any additional information over and above what was in the existing guidance documents, and they recommended that individuals obtain legal advice on their specific circumstances.

HVIA subsequently approached Engineers Australia to seek recommendations for firms providing that advice. HVIA was advised that:

- there is no legal firm in Australia that has the expertise to advise individual HVIA members on whether the PERA applies to their work
- the provision of such advice would require in-depth subject matter expertise that isn't held
- Engineers Australia has previously raised that issue with legal firms and was unable to identify any suitable avenues.

As such, both HVIA as a member association, and individual HVIA members have encountered considerable difficulty in establishing whether services provided are captured under the PERA. This is strongly indicative of a poorly functioning law. Despite this, some members have opted to comply, but note that it adds costs to the end-user, in the forms of registration fees, additional administration, and the requirement to maintain CPD records.

Some HVIA members have also expressed concerns that the extraterritoriality provisions are not functioning as intended, and there may be work being undertaken outside Victoria by engineers that are not registered. This disadvantages Victorian engineers whom are required to or have opted to comply. Engineers outside Victoria may not be complying due to a lack of knowledge of the scheme, or difficulty understanding if their services are captured, or both.

HVIA members also questioned the ability of the Victorian Government to enforce the PERA provisions, and particularly the extra territorial provisions. In contrast, there is known to be active enforcement of the requirements under the RVSA and the HVNL by the respective responsible agencies.

Q2. Do you have any recommended changes to the current areas of engineering in the PERA?

HVIA strongly recommends that engineers working in the heavy vehicle industry and engineering work on heavy vehicles should be explicitly exempted from the PERA.

Q 3: Are the qualification and experience requirements in line with industry standards? What changes would you suggest, if any?

The existing arrangements for regulating the heavy vehicle industry under the RVSA and the HVNL specify the skills and experience necessary to undertake specific types of work. For example, modifications made under Vehicle Standards Bulletin 6 (the heavy vehicle modification guide administered by the NHVR) are broken up into various technical codes, which are allocated to registered providers based on the task complexity and required skills/experience. Some codes require engineering qualifications. That approach is much better suited to Australia's heavy vehicle industry, than the PERA.

Additional, HVIA is aware of qualified and experienced engineers whom have been successfully operating under the requirements of the RVSA and HVNL for many years, but were unable to comply with the PERA, for nonsensical reasons.

One example was an engineer who held a Masters-level engineering degree obtained from a European University, as well as several international patents, and had completed engineering tasks at international firms prior to immigrating to Australia. That engineer could not comply with the PERA due to the requirement of registering organisations for a 'Washington Accord' university degree. HVIA's understanding is that there are no European signatories to the Washington Accord (i.e. Germany, France, Italy, Switzerland, or centralised EU signatory), and as such there are no qualifying European university degrees.

Another example was an Australian engineer who had completed a three-year engineering degree at a university in Victoria and had subsequently worked in a range of heavy vehicle engineering fields over a period of almost a decade. That engineer could not comply with PERA due to the requirements of registering organisations for a four-year degree, despite being widely regarded as an expert in their field.

These examples strongly suggest that the qualification and experience requirements are out of line with industry standards. The existing regulatory approaches used within the heavy vehicle industry are more suitable than the PERA, which adds cost without additional value.

Q4. Have you had any experience with the alternative pathways for registration? Please provide any feedback on this process.

HVIA has not had any comments from members regarding alternative pathways.

Registration Process

Q5. What has been your experience of the registration process? Do you have any suggestion on how to improve the registration process?

HVIA members report that once the requirements of Engineers Australia or other professional bodies are met, the part of the registration process managed by the Business Registration Authority were straight forward.

Q6. Do you have any feedback on seeking endorsement to work in the building industry?

This question is not relevant to HVIA's members.

Mutual Recognition

Q7. Do you currently use some form of mutual recognition to work as professional engineer to work in Victoria? Do you have any feedback on this process?

Feedback from HVIA members is that the mutual recognition arrangements do not work, and some have registered for both the Queensland and Victorian schemes, which means they are required to pay two sets of fees and meet two sets of administrative requirements.

HVIA's opinion is that mutual recognition is not a substitute for a well-functioning national scheme. Such schemes are burdensome, costly to administer and make it difficult to conduct business seamlessly across state borders. **The heavy vehicle industry is national, and the vehicles and components provided by the industry should be explicitly regarded as 'generic products', that can be used in any state and hence should not come under the requirements of PERA.**

Q8. Have you relied on your Victorian registration to register in another jurisdiction? How did you find the process and what, if any changes would you make?

Refer to the response to the previous question.

Obligations on registered professional engineers

Q 9: Do you have any feedback on how the CPD requirements operate with the Act? How could CPD requirements be enhanced to encourage greater compliance?

The CPD requirements under the PERA are largely irrelevant to the heavy vehicle industry. Feedback from HVIA members suggests that existing professional associations such as Engineers Australia do not provide suitable or relevant professional development opportunities for the heavy vehicle industry. HVIA is not aware of other organisations offering more relevant CPD options.

As a result, to meet the CPD requirements, HVIA members are documenting the following specific activities:

- product training delivered by heavy vehicle Original Equipment Manufacturers (OEMs)
- industry specific forums/conferences/webinar/events
- informal study completed outside of work
- on the job learning, and other non-structured activities.

These activities are more relevant to professional development than any course run by an engineering association, and while they can be documented through professional associations, the ability to comply may present difficulties for younger engineers and trade-qualified engineers.

Q 10: Is the Code of Conduct fit for purpose? Do you have any feedback on how the Code of Conduct operates with the Act, including disciplinary processes?

HVIA does not have any specific feedback on the Code of Conduct but again notes that similar requirements already exist under national legislation, (i.e. the RVSA and the HVNL).

Direct Supervision

Q11. Do you supervise unregistered engineers or are you supervised?

HVIA members reported a general lack of understanding of the supervisory requirements under the PERA. As such, HVIA recommends better guidance on the supervision requirements and better awareness of the guidance on supervision is required.

Q12. If so, what does direct supervision look like in your place of employment?

Refer to the response to the previous question.

Q13. What has been your experience? Do you have any feedback on how the direct supervision process can be improved?

Refer to the response to the previous question.

Prescriptive Standards

Q14. How does the use of prescriptive standards operate in practice in your workplace?

The key standards that dictate design and modification requirements in the heavy vehicle industry are the Australian Design Rules, Vehicle Standards Bulletin 6, and the Performance Based Standards scheme. They could be considered prescriptive standards because they are documents which state procedures or criteria:

- (a) for carrying out a design, or a construction or production activity, relating to engineering; and
- (b) the application of which, to the carrying out of the design, or the construction or production, activity, does not require advanced scientifically based calculations

The calculations in those standards are essentially routine calculations using known formulae contained directly within the standard or other document, and the success or failure criteria are also stated in the document. Engineering work of that nature is closer to the example given for AS/NZ 3008.1.1:2017 than the 'Newton Rapson' method calculation outlined in the guidance material.

As such, it is arguable that much of the engineering work undertaken by the heavy vehicle industry is not captured under the PERA, however the guidance material isn't clear enough to provide certainty to the industry.

Q15. Do you have any feedback on how prescriptive standards could be improved?

HVIA believes that work conducted under the RVSA or HVNL should be clearly designated as work on generic products to prescriptive standards and thus, explicitly excluded from the scope of the PERA.

The vague and often circular or contradictory definitions contained in the guidance material, the unwillingness of the regulators to provide further guidance, and the inability to obtain useful legal advice on this issue mean that industry currently faces great uncertainty.

The compliance and enforcement framework under the PERA

Q 16: Is the compliance and enforcement framework fit for purpose? Do you have any feedback on how the disciplinary process operates?

Existing compliance and enforcement arrangements under the RVSA and HVNL have audit and penalty arrangements built into them which are appropriate for the tasks performed. HVIA is doubtful that the Victorian Government has sufficient staff with the knowledge or experience to run the compliance and enforcement framework under the PERA. These skills are in high demand due to workforce shortages.

Guidance material

Q 17: What would you change to improve the guidance material issued by CAV?

The guidance material is flawed and requires urgent attention. It often uses circular definitions where the word being defined is referred to in the definitions. This is particularly true for the definition of prescriptive standards and generic products.

For example, the terms 'mathematics', 'scientific principles', 'judgement', 'knowledge' and 'skill' are used very loosely and are subjective. Much of the work of the heavy vehicle industry involves 'adoption and application of related technologies to create operate, maintain or improve systems applications and equipment' which would imply they are not professional engineering services.

However, other sections of the guidance material are less clear. The unwillingness of the regulators to provide clarification and the lack of availability of legal advice mean the guidance material is of little value.

Q 18: What would you change to improve the Practice Note on what is a prescriptive standard? Is it easy to understand and apply?

The Practice Note should clearly state that work conducted under the RVSA and the HVNL is considered as work under prescriptive requirements. The guidance material should also clearly specify that heavy vehicles and their components are generic goods and that its design is outside the scope of the PERA.

The requirements for assessment entities and assessment schemes

Q 19: If you are a registered professional engineer or have applied to register:

- (a) What assessment entity did you register through?*
- (b) How did you determine which assessment entity to register through?*
- (c) What has been your experience?*

Q 20: If you work for or represent an assessment entity:

- (a) Do you have any feedback on the application process for becoming an assessment entity?*
- (b) Do you have any feedback on the fee structure?*

HVIA members report using various assessment entities. Most have found the processes administratively cumbersome. Most have indicated that the cost of joining one of the organisations is an impost that increases the cost of business while adding no value.

The numbers of professional engineers operating in Victoria and the numbers that are registered

Q 21: What has been the impact of the scheme on the engineering industry in Victoria?

HVIA can only provide anecdotal information on this issue, but is of the view that there are several possible outcomes:

- the cost of providing professional engineering services will go up for engineers that register
- engineering work and potentially vehicle/equipment manufacturing may shift away from Victoria, resulting in a loss of local economic activity
- there may be a reduction in the number of practicing engineers in Victoria, further exacerbating the shortage of skilled engineers.

None of these are good outcomes and is again indicative of poorly functioning legislation.

Q 22: What factors may prevent an engineer from registering? What may encourage more professional engineers to register?

The complexity of the scheme, the lack of clarity in the guidance materials, and the cost and administrative burden are all reasons not to register.

[Any other feedback](#)

Q 23: Do you have any other comments on any parts of the PERA or its operation?

No additional feedback.