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Menara Felda, Platinum Park KLCC

Navigating Legislative Changes Updates to the REA 1967

By:

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2 October 2024



The Registration of Engineers Act 1967





What is the Registration of Engineers Act 1967? (REA)





Registration of Engineers Act 1967

REGISTRATION OF ENGINEERS ACT 1967

Act of Parliament

First enacted as Act 66 (of 1967)

The Registration of Engineers Act is 57 years old this year





Why did Parliament enact the REA 1967?

Before 1967 there was no Engineers Act similar to the Laws in the UK (which until today there is no Engineers Act)

The Act was enacted in Malaysia due to a building failure in Kuala Lumpur in the 1960s.





What is the Purpose of the REA 1967?



To protect the public by **legislative control** so that the practice of engineering, which has a bearing on public safety, health and welfare, can only be carried out by licensed professional engineers.





What is the Purpose of the REA 1967?



To create a regulatory body with mandate to carry out licensing of professional engineers and regulation of the profession





What is the Purpose of the REA 1967?



To set regulations pertaining to the practice of engineering; qualifications for licensing; and code of professional conduct for registered engineers;





History of the REA 1967

1967	The REGISTRATION OF ENGINEERS ACT 1967 (Act No. 66 of 1967)	
1972	Amendments (Act A132 - Operationalised on 6.7.1972)	
1973	Amendments (Act A173 - 29.3.1973)	
1974	Amendments (Act A218 - 22.2.1974)	
1987	Revised to be REGISTRATION OF ENGINEERS ACT 1967 (Revised 1987) (Act A662 - 16.1.1987)	13 yrs
2002	Revised to be REGISTRATION OF ENGINEERS ACT 1967 (Revised 2002) (Act 1158 - 1.12.2002)	15 yrs
2007	Revised to be REGISTRATION OF ENGINEERS ACT 1967 (Revised 2007) (Act A1288 - 1.4.2007)	5 yrs
2015	Revised to be REGISTRATION OF ENGINEERS ACT 1967 (Revised 2015) (Act A1479 - 31.7.2015)	8 yrs





Process to Amend the REA 1967

- Like all Acts of Parliament, the REA 1967 is a living document
- It will be amended from time to time to reflect Government policies, changes in societal norms and new technology
- Sometimes, a new amendment may result in consequential changes to an existing section
- For this purpose, the Board is continually reviewing the REA & RER
- When a sufficient number of amendments have been compiled, the Board will begin the process of seeking Parliament's approval
- The first stage is to prepare a Regulatory Impact Assessment (RIA)





Process to Amend the REA 1967

- **There will be a stakeholders consultation with relevant Ministries and Departments**
- **The proposed amendments will be tabled to the Jawatankuasa Dasar Kementerian Kerja Raya (JDKKR)**
- **Then there is a first round line by line review on the proposed amendments with the KKR Legal Advisor before submitting it to the Parliamentary Draughtsman Division of the AG Chambers**
- **A Cabinet Memorandum (MJM) will be prepared explaining the rationale for the amendments and incorporating the views from relevant Ministries**





Process to Amend the REA 1967

- On the approval of the Cabinet, the Bill incorporating the amendments will join the queue with other Bills to be debated in Parliament
- If Parliament passes the Bill, it will be enacted as an Act of Parliament with a new corresponding number
- The final stage in the process will be the Royal Assent by the YDP Agong
- Finally, the amendments will come into operation on a date to be announced in the Government Gazette





Updates to the REA 1967





Chronology of New Amendments

- In May 2017, the Board decided to introduce 3 new categories of Registration as follows:
 - Professional Engineering Technologist
To provide a career path for Engineering Technologist





Chronology of New Amendments

- In May 2017, the Board decided to introduce 3 new categories of Registration as follows:
 - Certified Engineering Technician
 - Engineering Technician

To cater for the third tier of the Engineering Team

Engineers → Washington Accord

Engineering Technologists → Sydney Accord

Engineering Technicians → Dublin Accord





Chronology of New Amendments

- In May 2017, the Board decided to introduce 3 new categories of Registration as follows:
 - Certified Engineering Technician
 - Engineering Technician

Engineering Technicians under the Dublin Accord are diploma holders

However, in the Malaysian context, the term Technicians refer to certificate holders i.e. one tier lower





Chronology of New Amendments

- In May 2017, the Board decided to introduce 3 new categories of Registration as follows:
 - Certified Engineering Technician
 - Engineering Technician

The Board decided to re-name Engineering Technicians as 'Assistant Engineers' and Certified Engineering Technicians as 'Certified Assistant Engineers'





Chronology of New Amendments

- In May 2017, the Board decided to introduce 3 new categories of Registration as follows:
 - Adding a new category will bring with it consequential changes and additional amendments with respect to definitions, entitlement, prefix & suffix, qualifications, route to professional status, qualifying exams and other related matters
 - A simple example → the use of the word 'perform' vs 'carry out'
 - To 'perform' means to carry out a task or action, often with skill or precision*
 - To 'carry out' means to complete a task or action, often with less emphasis on the level of skill or expertise required*





Chronology of New Amendments

- Next, in May 2020, the Board approved to expand the REA to include Investigation and Enforcement powers
 - *To enable BEM to be more effective in the enforcement of REA 1967 especially against unregistered Persons and Companies*
 - *Presently although the REA provides for severe penalties (including possible jail sentences), there are no provisions to investigate or to enforce*
 - *The Board has to depend on PDRM and the Public Prosecutor for infringements against the REA, when their (PDRM & PP) main focus is on the CPC*





Chronology of New Amendments

- Next, in May 2020, the Board approved to expand the REA to include Investigation and Enforcement powers
- *What is not realized is → an unqualified person providing professional engineering services can result in catastrophic failures and disasters which may lead to injuries and loss of lives*





Chronology of New Amendments

- In July 2022, the Board agreed to register Building Surveyors and Professional Building Surveyors as 2 new categories
 - *The Board had on 22nd July 2011 agreed in principle to consider the registration of Building Surveyors under the REA*
 - *Presently, building surveyors are not regulated under an Act of Parliament*
 - *Building surveyors petitioned Government to have an Act of their own*
 - *However, AGC was not agreeable as there are already 3 Acts covering the building industry*





Chronology of New Amendments

- In July 2022, the Board agreed to register Building Surveyors and Professional Building Surveyors as 2 new categories
 - *The building surveyor's scope of work is broad, covering parts of engineering, architecture and quantity surveying, though not to the depth required for registration as an Engineer, Architect or QS*
 - *However, the building surveying course is closest to engineering in that it covers several aspects of civil, electrical and mechanical engineering related to buildings*
 - *A discussion with RISM was held in April 2022 to get their stand whether they still wish to be part of REA or otherwise*





Chronology of New Amendments

- In July 2022, the Board agreed to register Building Surveyors and Professional Building Surveyors as 2 new categories
 - *RISM was agreeable and a joint Working Group was set up to work out the details and to present to the Board for its approval*
 - *‘Building Surveying Services’ will be defined as ‘Services related to building remeasurement and inspection, visual diagnostics and condition assessment; and advice on building maintenance, management and refurbishment works where it relates to professional engineering services; and includes any other building surveying services related to engineering as approved by the Board*





Chronology of New Amendments

- A year later, in July 2023, the Board decided on the size and composition of the Board as follows:
 - Increase the size of the Board by 2 members → from 17 to 19

Size of Board has been 17 members from the onset (1967)

Since then, the functions and responsibilities, as well as the scope of work of the Board have increased tremendously

In the new amendments → several new categories of registered Persons and new powers of investigation and enforcement

For the new categories of registration → more exams and more assessment of qualifications





Chronology of New Amendments

- A year later, in July 2023, the Board decided on the size and composition of the Board as follows:
 - Maintain the balance between Government and non-Government
 - Excluding the President, 14 members of the Board are Engineers*
 - 5 are in public service and 2 with local/statutory authorities*
 - 5 are in consultancy and 2 are employees in the private sector*
 - Of the 2 new members, one will be working for Government while the other will be working in the private sector*





Chronology of New Amendments

- A year later, in July 2023, the Board decided on the size and composition of the Board as follows:

- The Board to be more inclusive

Presently the Board consists of 15 Professional Engineers, 1 Architect and 1 Quantity Surveyor

There will now be 2 more categories of professional registered Persons → Professional Engineering Technologist & Professional Building Surveyor





Chronology of New Amendments

- A year later, in July 2023, the Board decided on the size and composition of the Board as follows:

- The Board to be more inclusive

To be more inclusive, the Board has decided that the 2 new positions can be filled by any professional registered Persons i.e. Professional Engineer, Professional Engineering Technologist or Professional Building Surveyor





Chronology of New Amendments

- A year later, in July 2023, the Board decided on the size and composition of the Board as follows:
 - The number of members to be nominated by the Council of IEM to be reduced from 5 to 3

To understand the rationale for this, we need to go back in time to 1967





Historical Background on IEM Nomination List

- When the Act was formulated in 1967, it prescribed that half of the 14 registered Engineers should be from a nomination list submitted by the Council of IEM
- The drafters of the Act had the foresight to include a role for civil society to have a say in the composition of the Board
- This role was given to IEM because, in 1967, IEM was the only local civil society organization (CSO) established by and representing Malaysian engineers
- 20 years later, there were more engineering CSOs and in 1987, the REA was amended to reduce the number in the IEM nomination list from 7 to 5





Historical Background on IEM Nomination List



- In May 2023, Board received requests and held engagements with:
 - ACEM
 - *Review S.3(2)(b) and delete “5 from IEM nomination list”*
 - *Over representation of 1 institution may invite block vote based on the institution’s interest rather than the interest of the engineering profession*
 - *Make it open to any related stakeholder*
 - *Request to specify seat allocation for ACEM in new Amendments*





Historical Background on IEM Nomination List

- In May 2023, Board received requests and held engagements with:
 - IEM
 - *Maintain S.3(2)(b) “5 from IEM nomination list”*
 - *Request 1 more seat for Engineering Technologist and Engineering Technicians as IEM is signatory for IETA, AIET and IEA*
 - *IEM can collect data from its members and their views will be submitted to Board as IEM’s voice*
 - *IEM has expertise/manpower to assist Board in term of opinion/research, etc*





Historical Background on IEM Nomination List



- In May 2023, Board received requests and held engagements with:
 - MySET
 - *Composition of Board currently does not represent Engineering Technologist although this category has been in REA since 2015, and there will be a new category of Engineering Technician*
 - *MySET could play the role to represent these groups as MySET consist of several industry*
 - *Give MySET the opportunity to be involved in Board's composition*





Historical Background on IEM Nomination List



- During these engagements, BEM clarified its position as follows:
 - BEM is a statutory authority and not a society or an association
 - In a society, members have a say in who should be in the board
 - As a statutory authority, BEM's primary role is to ensure the safety, health and interest of the public, and not the interest or welfare of registered Persons or any society/association
 - The task of BEM Board members is to develop BEM policies that are geared towards achieving BEM's role





Historical Background on IEM Nomination List



- During these engagements, BEM clarified its position as follows:
 - BEM Board members are not there to look after the interest of their organization, society or association
 - BEM appreciates those engineering CSOs which have given dedicated services to BEM
 - BEM hopes these CSOs will continue to serve in the various BEM committees and work groups, for the betterment of the engineering profession; and not in the hope that they will be 'rewarded' with some seats in the BEM Board





Historical Background on IEM Nomination List



- During these engagements, BEM clarified its position as follows:
 - Given the large number of engineering CSOs in the country (>50 and growing year by year), it would be impossible for BEM to accept all the requests from these organizations to each have a seat in the BEM Board





Historical Background on IEM Nomination List



- The Board at its meeting on 31 July 2023 decided as follows:
 - The intention of the drafters of the Act was that IEM, being the only local engineering CSO at that time, would be in the best position to identify the most suitable candidates to sit in the Board
 - With the growth in the number of engineering CSOs since then, this basic premise for the IEM nomination list is now superfluous
 - In addition, several engineering CSOs are urging BEM to include them in the REA as a nominating organization





Historical Background on IEM Nomination List



- The Board at its meeting on 31 July 2023 decided as follows:
 - The only solution to this impasse would be to not have any engineering CSO named in the REA
 - As an interim measure, the Board would incrementally reduce the number in the IEM nomination list, a process which incidentally had started in 1987
 - It will send a strong message to the existing rights holder (IEM) of the inevitable





Historical Background on IEM Nomination List



- The Board at its meeting on 31 July 2023 decided as follows:
 - It will send an equally strong message to the other engineering CSOs that BEM has no intention to continue with having nomination lists, much less expanding them





Chronology of New Amendments

- In Dec 2023, the Board decided on a number of amendments:
- Delete the word 'Graduate' in paragraph 5(1)(b) for the category of Graduate Engineer

The word 'Graduate' in the term 'Graduate Engineer' is a misnomer (i.e. a name that does not suit what it refers to)

As the term 'engineer' is a generic term, this amendment is subject to the interpretation of AGC





Chronology of New Amendments

- In Dec 2023, the Board decided on a number of amendments:
- Allow a Professional Engineer who has a prescribed number of years experience in his discipline of engineering, the right to make submissions (with some restrictions)

Initially, it was to allow a PE who has a prescribed number of years experience in his discipline of engineering, the right to submit plans, engineering surveys, schemes, proposals, reports, designs, studies or drawings to any person but not to an Authority

However, there are Authorities who already allow a PE to be a submitting person under their respective Acts





Chronology of New Amendments

- In Dec 2023, the Board decided on a number of amendments:
- Allow a Professional Engineer who has a prescribed number of years experience in his discipline of engineering, the right to make submissions (with some restrictions)

The Board then decided to allow a PE who has a prescribed number of years experience in his discipline of engineering, the right to do submissions except for certain areas to be prescribed by the Board

Submissions must be made through a vehicle similar to the ECP





Chronology of New Amendments

- In Dec 2023, the Board decided on a number of amendments:
- Create a new category called 'Engineering Services Provider' as a vehicle for Professional Registered Persons to carry on business

This is a consequential amendment pursuant to the Board's decision to allow Professional Registered Persons to make submissions (with some restrictions)

The structure of the 'Engineering Services Provider, ESP' will follow closely that of the 'Engineering Consultancy Practice, ECP'





Chronology of New Amendments

- In Dec 2023, the Board decided on a number of amendments:
- Reduce the scope of the Appeal Board in Sub-section 19(1)

The Appeal Board consists of a High Court Judge and two other persons appointed by the YDP Agong

Presently, the Appeal Board is the avenue for a registered Person to appeal against decisions from a disciplinary hearing or for administrative decisions of the Board on registration

As the penalties from a disciplinary hearing are punitive in nature, the Appeal Board (chaired by a High Court Judge) is the appropriate forum to review the decisions of the DC or Board





Chronology of New Amendments

- In Dec 2023, the Board decided on a number of amendments:
- Reduce the scope of the Appeal Board in Sub-section 19(1)

However, the decisions of the Board on registration are administrative in nature and the scope of the Appeal Board on these areas will be removed from Sub-section 19(1) and placed under the purview of a new Review Board





Chronology of New Amendments

- In Dec 2023, the Board decided on a number of amendments:
- Introduce a new Review Board to review the decisions of the Board on registration

The Review Board shall be appointed by the Minister and shall consist of two past Board members and four other persons who shall have served in the relevant committees of the Board

The quorum for a sitting of the Review Board shall consist of a Chairman who shall be a past Board Member and two other members





Chronology of New Amendments

- In Dec 2023, the Board decided on a number of amendments:
- To increase the fines under the various sections of the REA to a maximum of one hundred thousand ringgit (RM 100,000)

The increase is on par with the amount in the Registration of Architects Act 1967

As a comparison, the maximum fine in the recent amendments to the Licensed Land Surveyors Act 1958 is two hundred and fifty thousand ringgit (RM 250,000)

The affected sections of the REA are paragraphs 7A(5)(bb) and 15(1A)(b), Section 24 and Sub-sections 25(1) and 25(3)





Regulatory Impact Assessment (RIA)





Regulatory Impact Assessment (RIA)

- **RIA → a document created before a new or amended Act or Regulation is introduced**
- **Purpose → to provide a detailed and systematic appraisal of the potential impacts of a new regulation in order to assess whether the regulation is likely to achieve the desired objectives**
- **In 2013, the Government through the Malaysia Productivity Corporation (MPC) had made it compulsory that any laws to be enacted or amended will have to go through a RIA process to increase transparency, equality and accountability
(*Pekeliling Am Bilangan 1 Tahun 2013*)**





Regulatory Impact Assessment (RIA)

- There are 7 elements of RIA as defined in MPC's *"Best Practice Regulation Handbook"*
 1. Problem Statement
 2. Objective
 3. Options
 4. Impact Analysis
 5. **Consultation**
 6. Conclusion and Recommendation
 7. Strategy for Implementation





PROPOSED AMENDMENT REGISTRATION OF ENGINEERS ACT

Moderator:

Ir. Hj. Omar bin Mat Piah, *Chairman WG Amendment*

Panelists:

YBhg. Dato' Paduka Ir. Hj Keizrul bin Abdullah, *Member EA*

Ir. Megat Johari Megat Mohd Noor, *Member WG Amendment*

Ir. Hizamul-Din Ab Rahman, *Member EA*



SESI LIBAT URUS BERSAMA KEMENTERIAN, PIHAK BERKUASA TEMPATAN DAN PEMAIN INDUSTRI CADANGAN PINDAAN AKTA PENDAFTARAN JURUTERA 1967

**13HB DISEMBER 2022
THE EVERLY PUTRAJAYA**



Regulatory Impact Assessment (RIA)

- **Consultation process under RIA is more structured**
 - **Dialogue**
 - **Townhall**
 - **Stakeholder engagement via Unified Public Consultation (UPC) portal**
 - **Proposed amendments published in UPC Portal for public view from 8th August 2024 to 9th September 2024**



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CADANGAN PINDAAN AKTA PENDAFTARAN JURUTERA 1967 [Akta 138]

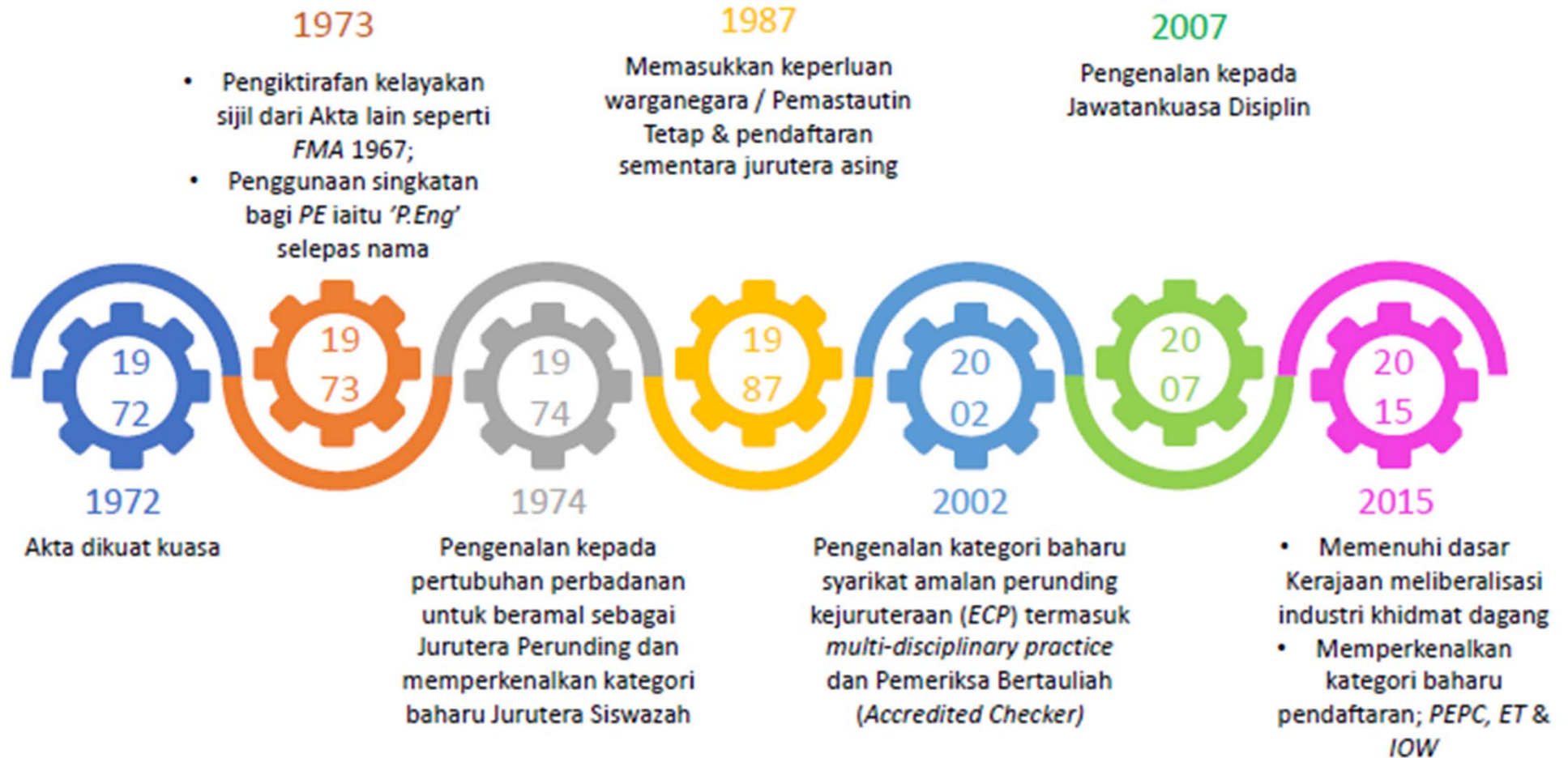
LEMBAGA JURUTERA MALAYSIA



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AKTA PENDAFTARAN JURUTERA 1967 – Kronologi Pindaan



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SKOP CADANGAN PINDAAN AKTA 138

- i. Komposisi Ahli Lembaga
- ii. Kategori pendaftaran
- iii. Skop praktis Jurutera Profesional
- iv. Tindakan Disiplin oleh Jawatankuasa Disiplin
- v. Kuasa penyasatan dan penguatkuasaan
- vi. Lembaga Rayuan
- vii. Lembaga Semakan
- viii. Denda kesalahan menyalahi Akta 138

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SKOP CADANGAN PINDAAN AKTA 138

(i) KOMPOSISI AHLI LEMBAGA (Seksyen 3)

a) Penambahan 2 ahli Lembaga dari 17 ahli kepada 19 ahli Lembaga

- *Bilangan 17 ahli Lembaga tidak pernah berubah semenjak Akta digubal pada tahun 1967.*
- *Menampung pertambahan skop fungsi/tanggungjawab LJM*
- *Memasukkan kategori baharu kejuruteraan berkaitan.*

b) Pengurangan senarai pencalonan IEM dari 5 kepada 3 calon

- *LJM adalah pihak berkuasa berkanun dan bukan sebuah pertubuhan atau persatuan yang ahlinya diwakili oleh sesebuah pertubuhan/persatuan.*
- *Lebih banyak pertubuhan berkaitan kejuruteraan ditubuhkan pada masa kini berbanding 50 tahun dahulu.*

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SKOP CADANGAN PINDAAN AKTA 138

(ii) KATEGORI PENDAFTARAN (Seksyen 5)

PENDAFTARAN SEDIA ADA		PENDAFTARAN BAHARU/PINDAAN	
A.	Jurutera Profesional		
B.	Jurutera Siswazah	B.	Jurutera (<i>dipinda</i>)
C.	Syarikat Amalan Perunding Kejuruteraan	H.	Syarikat Penyedia Perkhidmatan Kejuruteraan
D.	Pemeriksa Bertauliah		
E.	Jurutera Profesional Dengan Sijil Amalan		
F.	Teknologis Kejuruteraan	I.	Teknologis Kejuruteraan Profesional
G.	Pemeriksa Tapak	J.	Penolong Jurutera
		K.	Penolong Jurutera Bertauliah
		L.	Orang Berdaftar Sementara
		M.	Juruukur Bangunan
		N.	Juruukur Bangunan Profesional

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SKOP CADANGAN PINDAAN AKTA 138

(ii) KATEGORI PENDAFTARAN (Seksyen 5)

	PENDAFTARAN BAHARU	PENERANGAN
H.	Syarikat Penyedia Perkhidmatan Kejuruteraan	<i>Bagi tujuan perniagaan khidmat kejuruteraan skop praktis Jurutera Profesional, Teknologis Kejuruteraan Profesional dan Juruukur Bangunan Profesional.</i>
I.	Teknologis Kejuruteraan Profesional	<i>Laluan profesional kepada Teknologis Kejuruteraan.</i>
J.	Penolong Jurutera	<i>Pendaftaran pra-syarat sebelum berdaftar sebagai Pemeriksa Tapak atau Penolong Jurutera Bertauliah.</i>
K.	Penolong Jurutera Bertauliah	<i>Laluan pendaftaran bertauliah kepada Penolong Jurutera dalam kerjaya bukan pembinaan.</i>
L.	Orang Berdaftar Sementara	<i>Kumpulan pakar/khusus pasukan kejuruteraan warga negara asing terlatih untuk praktis di Malaysia bagi tempoh yang ditetapkan.</i>
M.	Juruukur Bangunan	<i>Pendaftaran profesion yang tidak dikawalselia badan profesional menjalankan kerja kejuruteraan.</i>
N.	Juruukur Bangunan Profesional	<i>Laluan professional kepada Juruukur Bangunan.</i>

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SKOP CADANGAN PINDAAN AKTA 138

(ii) KATEGORI PENDAFTARAN

➤ *Prefix & Suffix*

Orang berdaftar	Prefix	Suffix
Jurutera Profesional dengan Sijil Amalan	Ir.	P.Eng.PC <i>(baharu)</i>
Jurutera	-	Eng. <i>(pindaan)</i>
Pemeriksa Tapak	-	IOW <i>(baharu)</i>
Teknologis Kejuruteraan Profesional	Ir. <i>(baharu)</i>	P. Eng.Tech. <i>(baharu)</i>
Penolong Jurutera	-	A.Eng. <i>(baharu)</i>
Penolong Jurutera Bertauliah	-	Cert.A.Eng <i>(baharu)</i>
Juruukur Bangunan	-	Bldg. Surv. <i>(baharu)</i>
Juruukur Bangunan Profesional	BSr. <i>(baharu)</i>	P. Bldg. Surv. <i>(baharu)</i>

- *Pindaan pembaharuan pendaftaran Pemeriksa Tapak (IOW) dari setiap 3 (tiga) tahun ke 1 (satu) tahun berakhir pada 31hb Disember.*
- *Pindaan kepada Subsubseksyen 7A(3)(c)(iv) menggantikan orang bertanggungjawab harian kepada Pengarah dalam syarikat amalan perunding kejuruteraan berstatus badan korporat.*

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SKOP CADANGAN PINDAAN AKTA 138

(iii) SKOP PRAKTIS JURUTERA PROFESIONAL (Seksyen 7(1))

- a) Penambahan skop praktis Jurutera Profesional menjalankan perniagaan perkhidmatan kejuruteraan di bawah syarikat penyedia perkhidmatan kejuruteraan.
 - *Akta 138 pada masa ini tidak membenarkan Jurutera Profesional menjalankan perniagaan perkhidmatan kejuruteraan.*
- b) Penambahan skop praktis sedia ada Jurutera Profesional supaya layak menjalankan kerja serahan (*submission*) untuk tinjauan, laporan, skim, rekabentuk dan cadangan kejuruteraan kecuali seperti yang ditetapkan oleh Lembaga.
 - *Selepas pindaan Akta 138 pada tahun 2015 dan disebabkan liberalisasi, skop praktis Jurutera Profesional telah dikecilkan dan diberi kepada Jurutera Profesional dengan Perakuan Amalan.*
 - *Pindaan ini akan menyerahkan balik skop praktis kepada Jurutera Professional tetapi dengan sedikit penyekatan.*

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SKOP CADANGAN PINDAAN AKTA 138

(iv) TINDAKAN DISIPLIN OLEH JAWATANKUASA DISIPLIN

- a) Kebenaran tindakan disiplin diambil kepada pengarah syarikat perunding kejuruteraan (ECP) yang berdaftar dibawah Seksyen 7A(3)(c)(iv) sekiranya syarikat perunding kejuruteraan itu didapati bersalah.
- b) Pindaan Subseksyen 15(1)(a) dengan mengeluarkan kesalahan melibatkan keburukan akhlak (*moral turpitude*) untuk orang berdaftar.
- c) Pindaan Subseksyen 15(1)(fb) yang membenarkan hukuman gantung pendaftaran sehingga status bankrap di dikeluarkan atas kesalahan bankrap hanya kepada orang berdaftar professional iaitu Jurutera Profesional, Jurutera Profesional dengan Sijil Amalan dan Juruukur Bangunan Profesional.

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SKOP CADANGAN PINDAAN AKTA 138

(v) KUASA PENYIASATAN DAN PENGUATKUASAAN

- a) **Penambahan kuasa penyiasatan ke atas orang tidak berdaftar merujuk kepada model Akta 520 (CIDB) seperti kuasa memasuki premis dengan waran, dan merampas bahan bukti.**
 - *Praktis oleh orang tidak berdaftar dan tidak berkecualan dalam kejuruteraan boleh dan akan menyebabkan kepentingan, keselamatan dan kesihatan orang awam terancam terutamanya kemalangan di tempat kerja yang disebabkan faktor kejuruteraan.*
- b) **Penambahan kuasa penguatkuasaan ke atas orang tidak berdaftar merujuk juga model Akta 520 (CIDB) seperti pendakwaan melalui Pendakwa Raya atau LJM akan menubuhkan unit khas penguatkuasaan bagi mengurangkan beban kerja Pendakwa Raya.**
 - *Akta Jurutera (Akta 138) tidak memperuntukan kuasa penyiasatan dan pendakwaan kepada LJM untuk mengambil tindakan terhadap orang yang tidak berdaftar yang melanggar Akta tersebut.*
 - *Walaupun Akta Jurutera sedia ada membolehkan hukuman dijatuhkan kepada orang awam, ianya perlu melalui siasatan Polis dan tindakan mahkamah.*
 - *Polis memandang pelanggaran Akta Jurutera tidak seakan serius berbanding pelanggaran Kanun Jenayah walaupun ianya boleh mengancam keselamatan awam*
 - *Pindaan ini akan membolehkan LJM membantu Pendakwa Raya dalam usaha menguatkuasakan Akta Jurutera khususnya atas orang yang tidak berdaftar*

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SKOP CADANGAN PINDAAN AKTA 138

(vi) LEMBAGA RAYUAN (Seksyen 19)

- a) Lembaga Rayuan hanya akan mendengar rayuan berkaitan perintah dikeluarkan oleh Jawatankuasa Disiplin/Lembaga di bawah Subseksyen 15(1A), 7A(5) atau 7C(5).
 - *Mengasingkan kuasa pendengaran supaya proses lebih teratur dan cekap.*
- b) Kuasa mendengar rayuan berkaitan pendaftaran akan dipindahkan kepada Lembaga Semakan (*Review Board*).
 - *Mengasingkan kuasa pendengaran supaya proses lebih teratur dan cekap.*
- c) Keahlian Lembaga dilantik oleh Yang DiPertuan Agong:
 - i) Seorang Pengerusi iaitu seorang Hakim Mahkamah Tinggi,
 - ii) 4 orang yang lain, dan
 - iii) Korum Lembaga Rayuan adalah seorang Pengerusi dan 2 ahli
 - *Bagi tujuan pentadbiran dan memudahkan penubuhan Lembaga Rayuan terdiri dari orang yang tidak berkepentingan.*

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SKOP CADANGAN PINDAAN AKTA 138

(vii) LEMBAGA SEMAKAN (*REVIEW BOARD*)

Penubuhan Lembaga Semakan dengan lantikan YB Menteri bagi menimbang rayuan berkaitan pendaftaran seperti pendaftaran ditolak, disekat atau bersyarat.

- *Skop menimbang rayuan berkaitan pendaftaran diperuntukkan kepada Lembaga Rayuan pada masa ini yang didapati tidak sesuai untuk dibicarakan oleh Pengerusi dari Hakim Mahkamah Tinggi serta bersifat operasi.*

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SKOP CADANGAN PINDAAN AKTA 138

(viii) DENDA KESALAHAN MENYALAHAKAN AKTA 138

Penambahan jumlah denda berikut selari dengan Akta 117 (*Architect Act 1967*):

- a) Seksyen 15(1A) ke atas orang berdaftar dan ECP dari RM50,000 ke RM100,000;
- b) Seksyen 24 ke atas individu atau syarikat dari RM50,000 ke RM100,000;
- c) Seksyen 25 untuk penalti umum dari RM10,000 ke RM100,000.

- *Selari dengan jumlah penalti yang terdapat dalam Akta 117 (Architects Act 1967).*
- *Pindaan terakhir berhubung jumlah penalti adalah pada pindaan tahun 2007.*
- *Faktor penghalang kepada orang berdaftar dan orang tidak berdaftar dari melanggar Akta 138.*



Q & A





THANK YOU



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