The Professional Engineers Act 2002

IPWEAQ CQ Branch Conference
14 June 2018
BPEQ established in 1930 to administer the *Professional Engineers Act 1929*

Board members include:

- RPEQ based in regional Queensland
- RPEQ elected by peers
- RPEQ who is an academic head of school
- RPEQ who represents Engineers Australia
- Building and construction industry representative
- Community representative
- Lawyer
Current version of the legislation – *Professional Engineers Act 2002*

Key objectives of the PE Act:

- to protect the public by ensuring professional engineering services are provided by a RPEQ in a professional and competent way
- to maintain public confidence in the standard of services provided by RPEQs
- to uphold the standards of practice of RPEQs

Objectives of the PE Act achieved through:

- Registration
- Disciplinary measures
- Prosecutions
Registration process

Registration is a four-step process:

1. Education
2. Work experience
3. Assessment
4. Registration

RPEQs are required to meet ongoing registration requirements and renew their registration annually.

There are currently 13,000 RPEQs registered in Queensland, interstate, and overseas.
What is a professional engineering service?

**an engineering service**

that **requires or is based on**

the **application of engineering principles and data**

to a **design**

or to a **construction, production, operation, or maintenance activity**

**relating to engineering**

Exception: does not include an engineering service that is provided only in accordance with a prescriptive standard
Direct supervision

A person who is not registered may carry out professional engineering services only under the direct supervision of a RPEQ who is responsible for the services

- Direct contact/actual knowledge
- Direction
- Oversight
- Evaluation
- Full professional responsibility
Direct supervision in practice

A designer committed an offence against the PE Act

The designer and RPEQ gave evidence that:

- The RPEQ reviewed scope of works documents and made notations
- There were numerous phone calls a week between the two
- The RPEQ visited site 5-8 times per year
- There was a document outlining procedures for direct supervision
- The RPEQ received and commented on final design drawings

None of the evidence demonstrated that the above had occurred in relation to the professional engineering services the subject of the case

No records demonstrating that supervision had occurred

Direct supervision is transactional, not hierarchical
Sign off/certification

The PE Act **does not** stipulate the need for RPEQs to sign off/certify professional engineering services or work.

As a means of quality assurance, some employers or companies may require RPEQs to sign off/certify services or work.

BPEQ is focused on whether a RPEQ provided the professional engineering service, or provided direct supervision.
Prescriptive standards

A prescriptive standard is a document that states procedures or criteria for carrying out the service, the application of which does not require advanced scientifically based calculations.

Australian Standards; in-house documents or procedures; product manuals.
Professional engineering services undertaken outside of Queensland for any building, plant, machinery or product for specific use in Queensland must be undertaken by a RPEQ, or a RPEQ must provide direct supervision.
Code of Practice sets practice and conduct standards expected of RPEQs

For a RPEQ, unsatisfactory professional conduct includes the following:

- Conduct that is of a lesser standard than that which might reasonably be expected of the RPEQ by the public or the engineer’s professional peers
- Conduct that demonstrates incompetence, or lack of adequate knowledge, skill, judgement or care in the practice of engineering
- Misconduct in a professional respect
- Fraudulent or dishonest behaviour in the practice of engineering
- Other improper or unethical conduct

Complaints: does conduct meet requirements of Code of Practice?
Risks and penalties of not being registered

Greater financial penalties – the maximum penalty in a prosecution of an unregistered person is 1000 penalty units, whereas the maximum penalty for a RPEQ in a disciplinary proceeding is 200 penalty units.

Refusal to pay and limited legal recourse to recoup monies owing – see Agripower and QEE

Unregistered engineers are limited in the scope of work they can perform and risk contravening the PE Act even if there is nothing deficient with the product or service.
Benefits of registration

Demonstrates you have undertaken high level study and worked professionally and competently for a number of years

Counts toward your professional reputation and career progression

Advantage in the job market - employers specify the need for applicants to be an RPEQ

No requirement for direct supervision

Title RPEQ is wholly limited to engineers with high level qualification, practical experience and demonstrated competency
Get in touch with BPEQ

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