Nathaniel Tunney, Communications and Engagement Manager at Board of Professional Engineers Queensland (BPEQ)

Under the Professional Engineers Act, anyone carrying out a professional engineering service in Queensland or for Queensland must be registered. It is an offence for unregistered persons to undertake professional engineering services, punishable by a maximum of 1,000 penalty units. There are two narrow exceptions: first, for a person who carries out a professional engineering service under the ‘direct supervision’ of a responsible RPEQ; and second, an engineering service that is carried out only in accordance with a ‘prescriptive standard’. In this article, BPEQ details the elements of direct supervision.

Obligations are placed both on the unregistered person who is being directly supervised and the RPEQ who is providing the direct supervision. Direct supervision requirements are intentionally onerous.

To understand the requirements, some preliminary observations are helpful:

1. The legal requirement is ‘direct supervision’ not just ‘supervision,’ a very high level of supervision is required. This is intentional;
2. It is the unregistered person who is claiming direct supervision who has the legal onus on proving the exception;
3. Direct supervision must exist for each specific professional engineering service. This is different from a general professional relationship;
4. The RPEQ who is providing the direct supervision must take full professional responsibility for the professional engineering services.

### UNDERSTANDING DIRECT SUPERVISION

**THE ELEMENTS OF DIRECT SUPERVISION**

To establish direct supervision, the following elements must be present:

Of note is that to oversee the services, the supervising RPEQ must be involved, in the entire life-cycle of the project or service. It follows that mere end of service ‘review’, ‘checking’, ‘sign off’ or ‘certification’ are insufficient to establish direct supervision and would not satisfy the legal requirements under the PE Act.

**PRACTICAL STEPS**

The requirements for establishing direct supervision will be dependent on each individual matter and vary depending on the type of

<table>
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<th>ELEMENT</th>
<th>REQUIREMENT</th>
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<td>The supervision must be <strong>direct</strong>; and the <strong>supervising RPEQ must have actual knowledge</strong> of the services/project</td>
<td>The supervising RPEQ must have direct contact and not through a third person</td>
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<td><strong>The supervising RPEQ must direct</strong> the person in the carrying out of the service; and</td>
<td>The supervising RPEQ must actively direct the unregistered person in carrying out the professional engineering services. A passive or observational role is not sufficient</td>
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<td><strong>The supervising RPEQ must oversee</strong> the carrying out of the service by the person; and</td>
<td>The supervising RPEQ must be involved from the beginning and throughout the professional engineering service.</td>
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<td><strong>The supervising RPEQ must evaluate</strong> the carrying out of the service by the person; and</td>
<td>The supervising RPEQ must evaluate the professional engineering services and ensure they are being carried out to the standard expected of a RPEQ.</td>
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<tr>
<td><strong>The supervising RPEQ must take full professional responsibility</strong> for the service.</td>
<td>The requirement is that the services are carried out to the standard expected of a RPEQ and that the supervising RPEQ takes overt professional responsibility for them.</td>
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professional engineering service and level of experience of the supervisee. For the supervising RPEQ, the degree of involvement, albeit always across the lifecycle of the project or service, is a matter of professional judgement.

As a general principle, direct supervision should be fully documented. There should be substantial records demonstrating the supervisory involvement of the RPEQ in directing, overseeing and evaluating the professional engineering services. As outlined above, it is the unregistered person being directly supervised who carries the onus and should be ensuring appropriate direct supervision and record keeping.

**NO RIGHT TO MONETARY OR OTHER PAYMENT**

The PE Act also provides that unregistered persons, who are not directly supervised are not entitled to any monetary or other consideration for carrying out professional engineering services, even if there is a contract (see BPEQ e-news November 2015 – QEE v Agripower).

**CONCLUSION**

Further information about BPEQ policies and processes, including registration and direct supervision, is available on BPEQ's website or by contacting BPEQ directly at admin@bpeq.qld.gov.au (registration and general inquiries) or legal@bpeq.qld.gov.au (legal inquiries) or by calling (07) 3210 3100. While BPEQ staff will endeavour to offer help about processes and procedures, staff will not give legal advice.

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**IPWEAQ and RPEQ**

We are proud to be an assessment entity for RPEQ registration. If you would like more information on RPEQ assessment process, please visit our website.

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**RPEQ ASSESSMENT BY IPWEAQ**

**IPWEAQ upholds professional standards as an approved assessment authority for the registration of engineers (RPEQ) in the area of Civil Engineering – Public Works.**

**Why should I become an RPEQ?**

Under the Queensland ‘Professional Engineers Act 2002’, engineers practicing in Queensland are required to be registered with the Board of Professional Engineers of Queensland (BPEQ) or must be directly supervised by an RPEQ. Registration differentiates you as a professional engineer and is confirmation that you have met certain professional, educational and competency requirements.

**Who can apply?**

Applicants need to meet the following criteria:

- A minimum four year Bachelor of Engineering degree from an Australian university. Where a degree other than this is held, or for overseas qualifications not covered by the Washington Accord, the Assessment Board will conduct an additional assessment to determine equivalency and an additional fee will be charged.
- A minimum of five years delivering engineering services under the supervision of an RPEQ or equivalent.
- Technical Officers having completed MEPac may also apply subject to having had a minimum of five years supervised experience.
- Have completed 150 hours of CPD for the immediate previous three years.

**How do I apply?**

IPWEAQ can assess applications for RPEQ registration throughout Queensland. Applications are submitted at www.rpeqassessment.com.au with:

- Details of all qualifications held relevant to the discipline for which accreditation is sought.
- Up-to-date, detailed curriculum vitae.
- Details of CPD undertaken in the immediate three years prior to application.
- Referee statements from three referees who are RPEQ and are in a position to independently comment on the applicant’s work
- A statement of competency.

**How much will it cost?**

A non-refundable assessment fee will be payable at the time of application:

- $400 (plus GST) for IPWEAQ members
- $700 (plus GST) for non-IPWEAQ members

**How is my application assessed?**

Assessments are conducted by IPWEAQ’s expert panel of assessors and overseen by the IPWEAQ RPEQ Assessment Board. Assessment usually takes between six to eight weeks and includes an interview with a panel of three assessors.

Successful applicants receive a Letter of Assessment which is submitted to the BPEQ for registration as an RPEQ.

**What is the review process?**

RPEQs are required to demonstrate they have completed a minimum of 150 hours of CPD in every three year period and may be subject to random audits.

The IPWEAQ CPD Logbook helps you keep track of your CPD.

Submit your application at www.rpeqassessment.com.au

For more information, please contact: Mark.Lamont@ipweaq.com