

Board of Professional Engineers of Queensland Policy

Title: Restoration of RPEQs	ID: 1.14 (3A)
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1. Purpose of Policy

The purpose of this policy is to outline how the Board will exercise its discretion to accept an application for restoration made more than two months after expiry.

2. Background

If a person's registration has expired, the person may make an application for restoration to the Board within two months of the expiry.¹ In practice, this requires an applicant to apply before 31 August annually.

Applications for restoration made more than two months after the expiry may also be accepted by the Board, if the Board is satisfied it would be reasonable in all the circumstances to accept the application.² This is effectively stage one of a two stage process for deciding an application for restoration ie. deciding if the application will become an 'accepted application'.

Stage two of this process involves the Board having regard to –

- (a) whether the Board considers the applicant is fit to practise as a registered professional engineer; and
- (b) the extent, if any, to which the applicant has satisfied the continuing registration requirements.³

One such example of satisfying the Board of continuing registration requirements is current Chartered status from one of the Board's approved assessment entities.

These provisions effectively allow for 'out of time' applications, but nonetheless such applicants will be penalised by not being registered for the period of time between the expiration of the registration on 30 June and the date registration is restored. A period of non-registration could adversely affect the individual's business affairs, so promoting vigilance to ensure that an application for renewal is made before the expiry of registration.

If a person's registration has expired, then for the period between expiration and restoration, the person is unable to hold out as being

¹ *Professional Engineers Act 2002* s.23(1)

² *Professional Engineers Act 2002* s.23 (3)

³ *Professional Engineers Act 2002* s.24 (2)

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registered (and commits an offence⁴ if the person does so). Also the person is not able to claim consideration for services rendered.^{5, 6}

In restoring an applicant's registration, the Board may impose conditions on the registration that are reasonable and relevant.⁷

A person whose application for restoration is refused, or not accepted by the Board, or whose registration is subject to conditions may apply to the Queensland Civil and Administrative Tribunal for a review of the Board's decision⁸.

3. Policy

The onus is on each registered professional engineer to maintain that person's registration. The two month period of grace is a mandated legislative benchmark that will not be lightly extended by the Board. While each late application will be considered on its merits, the Board views the consequences of non-registration as serious.

i. Registrations lapsed over 2 months but less than 12 months.

Applicants for restoration will need to demonstrate their commitment to continuing professional development (CPD) by:

- Providing evidence they are a Chartered Engineer with an approved assessment entity; or
- If the applicant is not such a member, providing their CPD logbook evidencing compliance with the relevant assessment entity's requirement for CPD. The logbook should be in a format similar to that required by the assessment entity.

If the Board is satisfied with the CPD logbook then the applicant may be restored. If the Board is not satisfied with the CPD logbook, then the applicant will be required to undergo an audit of their CPD by the relevant assessment entity, at the applicants cost.

ii. Registrations lapsed more than 12 months but less than 36 months.

Applicants for restoration will need to:

- Demonstrate their commitment to CPD as per above; and
- Provide a current CV.

⁴ *Professional Engineers Act 2002*, s.113 (1) (Claims about being a registered professional engineer) s113(1) prescribes a maximum penalty of 1000 penalty units

⁵ *Professional Engineers Act 2002* s141

⁶ See Explanatory Notes to the *Professional Engineers Bill 2002* p22

⁷ *Professional Engineers Act 2002* s.25(2)

⁸ *Professional Engineers Act 2002* s.122(b)

iii. Registrations lapsed for more than 36 months.

Applicants for restoration that are more than 36 months overdue will not be accepted and the applicant will be required to undergo a new assessment by the relevant assessment entity.

4. References

Professional Engineers Act 2002