

# Board of Professional Engineers of Queensland Policy

Title: <b>Complaints</b>		Policy ID: <b>2.1 (4A)</b>
Status: <b>Approved</b>		Version: 25/08/11

## 1. Rationale

The Board is responsible for protecting the public and maintaining professional standards and confidence in the profession in Queensland.

The Act provides for the Board to investigate complaints and offences in relation to the conduct and actions of Registered Professional Engineers and to take disciplinary action where appropriate. This policy relates to complaints.

This policy addresses the following specific areas:

- Complaints procedures
- Validity of information provided by complainant
- Writing to the engineer
- Initial submission from the engineer
- Grounds for rejecting complaints
- Making a decision to investigate

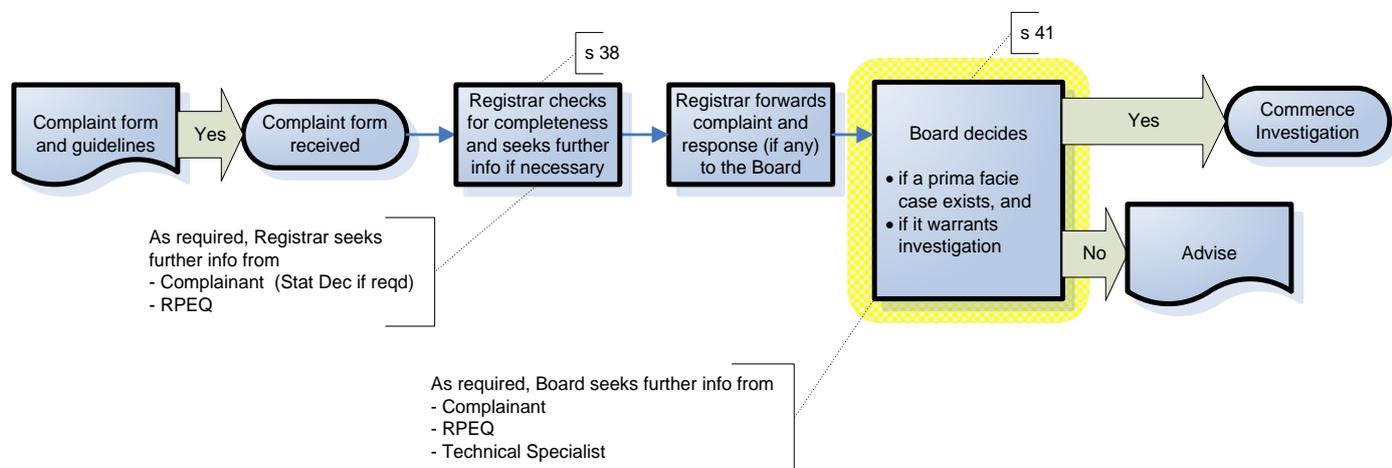
## 2. Policy

This policy provides guidance in decision making in relation to complaints. The purpose of the complaints process is to provide a mechanism to receive complaints and to determine if a prima facie case exists, that warrants investigation and possible disciplinary action.

The Board acts for the broader community (rather than for individuals). It is not a forum for settling contractual disputes and has no powers to order restitution.

# Board of Professional Engineers of Queensland Policy

## 3. Overview



## 4. Practice

### Complaints Procedures

Any person aggrieved by a registered professional engineer may submit a complaint to the Board (Form 6 – Complaint: Unsatisfactory Professional Conduct). The Board will also consider investigation of significant instances of suspected unprofessional conduct on its own accord (for example, where this becomes apparent through the media or other sources).

The Registrar will review the complaint and where necessary will contact the complainant, to request further information. The Registrar will also generally seek a submission from the registered professional engineer in response to the complaint (fm2.1.1 Letter to complainant requesting further information s.38(1) or s.38(2)). In circumstances where the complaint is explicitly frivolous, vexatious or trivial, the Registrar may forward the complaint directly to the Board for consideration without contacting the engineer. The Board defines frivolous as being manifestly futile. A complaint would be frivolous unless it could lead to a charge under the Act.

The Board will consider the complaint and the engineer's response (if any) and decide if it has sufficient information to make an informed decision to initiate an investigation or to dismiss the complaint.

In reaching a decision as to whether to initiate an investigation or to dismiss the complaint the Board must have regard to the main objects of the *Professional Engineers Act 2002* which are:

## Board of Professional Engineers of Queensland Policy

---

- (a) to protect the public by ensuring professional engineering services are provided by a registered professional engineer in a professional and competent way; and
- (b) to maintain public confidence in the standard of services provided by registered professional engineers; and
- (c) to uphold the standards of registered professional engineers.

The Board may reject the complaint if the Board reasonably considers the complaint is frivolous, vexatious or trivial.

If the answer is no, the Board

- may send a s.41(3) Notice (fm2.1.6 Letter advising eng. of complaint s.41) to the engineer seeking a detailed response of specified issues; or
- seek specialist technical advice (eg where the Board lacks detailed technical knowledge of the issue or area in question); and
- reconsider its position in the light of the response when received.

If the answer is yes, the Board will consider:

- if it believes that an aspect of the engineer's conduct may provide a ground for disciplining them under s.41(1).

If the answer is yes, the Board will

- give its reasons for the decision; and
- instruct the Registrar to obtain a proposal from an experienced investigator for consideration by the Board.

If the answer is no, the Board will:

- give its reasons for the decision; and
- under the delegation outlined in Policy 2.5 (Appointment of Investigators) instruct the Registrar to advise the complainant and engineer of its decision. There are no rights of appeal against this decision.

## 5. References

### Related legislation:

*Professional Engineers Act 2002*

Part 3 – Complaints and Investigations

# Board of Professional Engineers of Queensland Policy

---

## Part 4 – Reports and Board’s Decisions about Investigations

### **Gazetted Forms:**

Form 6 – Complaint: Unsatisfactory Professional Conduct

### **Non Gazetted Forms (see operational manual):**

fm 2.1.1 Letter to complainant requesting further information s.38(1) or s.38(2)

### **Other:**

(to be created under s.37(3))

The Registrar must keep available for inspection, at the Board’s office for members of the public, information about—

- (a) the type of conduct the Board considers may give rise to a complaint; and
- (b) how a person may make a complaint.