

# Board of Professional Engineers of Queensland Policy

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Title: <b>Offences</b>		ID: <b>2.2 (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 the Board with power to investigate complaints and offences in relation to the conduct and actions of both registered and non-registered persons. This policy relates to the investigation and prosecution of offences in the Magistrates Court where appropriate.

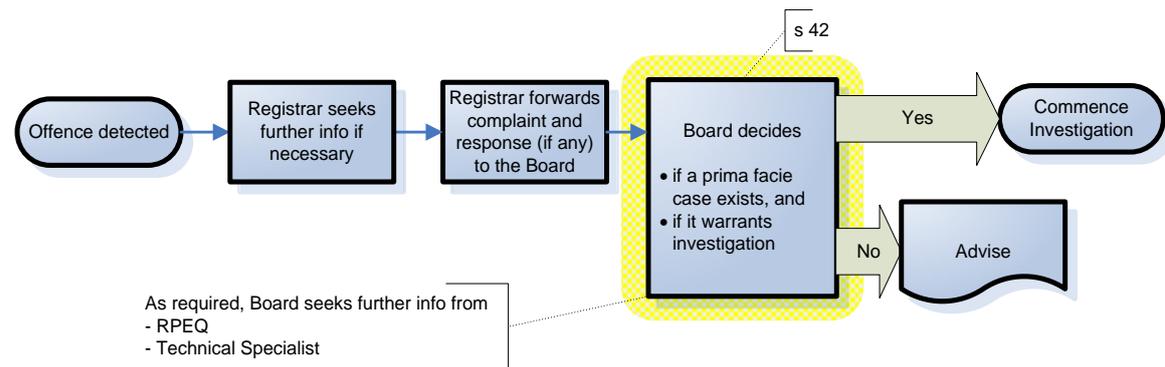
## 2. Policy

This policy provides guidance in decision making in relation to offences. The purpose of the offences process is to provide a mechanism to determine if a prima facie case exists and warrants investigation and possible prosecution. Prosecution can relate to:

- Offences (s.56)
- False and misleading statements (s.65)
- False and misleading documents (s.66)
- Obstructing Board or investigators (s.67)
- Impersonation of investigators (s.68)
- Claims about being a registered professional engineer (s.113)
- Using titles of names (s.114)
- Carrying out professional engineering services (s.115)

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## 3. Overview



## 4. Practice

### Offence Investigation Procedures

Any person who suspects that another person may have breached the Act may report this to the Board. The Board will also consider investigation of significant instances of suspected offences on its own accord (for example, where this becomes apparent through the media or other sources).

The Registrar will review the suspected offence and where necessary will contact the complainant, to request further information. The Registrar will also generally seek a submission from the other person about the suspected offence. 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 complainant or other person.

The Board will consider the suspected offence and the other person'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.

If the answer is no, the Board

- may ask the complainant to provide a submission on the suspected offence by statutory declaration; or
- may send a s.42(2) Notice to the person 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

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- reconsider its position in the light of the response when received.

If the answer is yes, the Board will consider it reasonably suspects a person has committed an offence the Act, the Board may—

- give its reasons for the decision made under s.42(1); and
- appoint an investigator to conduct the investigation. The Board generally does not conduct investigations itself.

If the answer is no, the Board will:

- give its reasons for the decision under s.42(1); and
- instruct the Registrar to advise the complainant and suspected person 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

Part 4 – Reports and Board’s Decisions about Investigations

Part 7 – Other Offence Provisions