

Board of Professional Engineers of Queensland Policy

Title: Time limit for making a complaint		ID: 2.8 (2A)
Status: Approved		Version: 25/08/11

1. Rationale

- 1.1 This policy details how the Board will exercise its discretion to conduct an investigation when the complaint is about the conduct of a registered professional engineer that occurred more than twelve (12) months before the making of the complaint.

2. Overview

- 2.1 The *Professional Engineers Act 2002* (the Act) allows an aggrieved person to make a complaint about a registered professional engineer's conduct in carrying out professional engineering services, whether before or after the commencement of the Act on 1 January 2003.
- 2.2 While each complaint will be considered on its merits, the Board is generally unlikely to exercise its discretion under the Act to conduct an investigation of the registered professional engineer's conduct or authorise an investigator to conduct the investigation when the conduct complained of is more than five (5) years old.

3. Policy

- 3.1 An aggrieved person would ordinarily be expected to become aware of conduct by a registered professional engineer that could give rise to unsatisfactory professional conduct within twelve (12) months of its occurrence and to make a complaint to the Board within that time.
- 3.2 The Board's ability to fully and fairly investigate complaints is compromised the longer the aggrieved person delays making a complaint. This situation can arise from matters such as the availability of documentary records, the location of witnesses and the fading of people's memories. Also, lengthy delay in the making of a complaint that cannot be explained may impugn the credit of the aggrieved person.
- 3.3 The Board acknowledges that other matters, such as the ascertainment of latent defects in design, could plausibly explain delay.
- 3.4 While each complaint will be considered on its merits, the Board is generally unlikely to exercise its discretion under the Act to conduct an investigation of the registered professional engineer's conduct or

Board of Professional Engineers of Queensland Policy

authorise an investigator to conduct the investigation when the conduct complained of is more than five (5) years old.

4. Practice

N/A

5. References

Professional Engineers Act 2002 – s.37