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## About the new Practice Directions

The Board is pleased at the level of interest in the November 2013 newsletter article "Direct Supervision Demystified" and the December 2013 newsletter article about prescriptive standards. The Board has received many questions and comments and has corresponded with many RPEQs regarding various aspects of the articles.

To further assist, the Board has published two new practice directions: *Practice Note Series – Direct Supervision* and *Practice Note Series – Prescriptive Standards*, now available for viewing and download on the Board's website at [www.bpeq.qld.gov.au](http://www.bpeq.qld.gov.au) > Resources > Practice Notes.

The new practice directions aim to provide an explanation of the Board's position and expectations. In *Practice Note Series – Direct Supervision*, the Board provides detailed commentary

on the concept of direct supervision and sets out the level of supervision it expects RPEQs to provide when supervising unregistered persons.

In *Practice Note Series – Prescriptive Standards*, the Board breaks down and explains the definition of a prescriptive standard, and states what it qualities and characteristics it expects of a standard that is to be considered prescriptive.

### A Note from the Registrar

I hope this issue of our Newsletter has been of interest to you and if you have anything you would like to see in future newsletters please do not hesitate to contact me.

I regularly undertake presentation on the Professional Engineers Act and its requirements to various organisations and to groups ranging from 5 persons to over 100.

If you are interested in a presentation please contact the Registrar: Clare Murray on (07) 3224 4632 or e-mail [clare.murray@bpeq.qld.gov.au](mailto:clare.murray@bpeq.qld.gov.au).

# Why do we have a Professional Engineers Act?



Registration and the regulation of the engineering profession commenced in 1929 with the current Act being the *Professional Engineers Act 2002* (the Act).

The aim of the Act both current and previous has always been to ensure that only competent persons provide professional engineering services. A higher level of health and safety is afforded to the public by having a registration system.

Professional engineering services can be very technical in nature. A registration system provides purchasers of professional engineering services the ability to be able to determine what person/s would be competent to provide the services required.

It has been recognised by Parliament that a significant risk exists in the provision of professional engineering services and registration of engineers reduces that risk. The risks which can arise are not only physical harm to persons but also financial and environmental risks.

The definition of professional engineering services is not limited to the design functions. It includes construction and production activities as it was recognised by Parliament that risk can arise at any stage of the lifecycle of an engineering project. The intention of Parliament is that the Act captures all engineering services from the design, through to the construction, operation, maintenance and eventual demolition.

## New Assessment Entity

The Institute of Public Works Engineering Australasia Queensland Division (IPWEAQ) has been approved as an assessment entity in the area of Civil Engineering-Public Works.

IPWEA Queensland's membership operates primarily in the Civil Engineering discipline. Consequently it is the area of Civil Engineering practice which IPWEA Queensland obtained approval to undertake suitability assessments.

The area of Civil Engineering- Public Works includes:

- Airports
- Environmental Engineering
- Asset and Risk Management
- Bridge construction/Maintenance
- Building Design/Construction
- Coastal Management
- Drainage
- Emergency Services
- Fleet/Plant and Mechanical Services

- Floodplain Management
- Marine Parks/ Recreation Management
- Planning
- Rail
- Road Construction
- Road Maintenance
- Road Safety
- Stormwater
- Traffic
- Engineering/ Management
- Transport
- Waste ; and
- Water & Sewage.

IPWEAQs' appointment commences on 1 March 2014 for a period of 3 years.

# Professional engineering services undertaken outside of Queensland for Queensland projects

A person carrying out professional engineering services **outside of** Queensland, for projects based **in** Queensland, must be an RPEQ or be working under the direct supervision of an RPEQ.

The Board is established by and administers the *Professional Engineers Act*. The Act aims to protect the public by ensuring professional engineering services are carried out by RPEQs in a professional and competent way; to uphold public confidence in the standard of services provided by RPEQs; and to uphold the standard of practice of RPEQs.

These aims are achieved in a number of ways, including the provision for a system of registration of suitable and qualified engineers as RPEQs under the Act.

Disciplinary consequences assist in maintaining the standard of practice of RPEQs, and criminal consequences deter non-RPEQs from representing themselves as being registered and from carrying out professional engineering services without being directly supervised by an RPEQ, and protects the use of the title “RPEQ.” Registration as an RPEQ allows a person to legally carry out professional engineering services.

It is clear from the objects of the Act, and the existence of the system of registration of RPEQs, that professional engineering services carried out outside Queensland for projects of any kind within Queensland must be carried out by an RPEQ. Although it is a State-based registration system, registration of non-Queensland engineers as RPEQs is clearly contemplated by the Act. Anyone may apply for registration as an RPEQ, regardless of whether they live and work in Queensland, interstate, or overseas, as long as they have the necessary qualifications and competencies for registration and are a fit and proper person to practice as an RPEQ. Additionally, registration as an engineer in an interstate or overseas jurisdiction does not preclude a person from also becoming an RPEQ.

However, the clearest indicator that it is a requirement that engineers outside Queensland who are carrying out work for Queensland projects must be registered is in the strong public protection purpose of the Act itself. The Act’s primary object is to protect the Queensland public. If there was no extraterritorial operation, a person could simply avoid the requirement for registration by moving across the Queensland border – to Tweed Heads, for example – even if they were working on a Queensland project. Non-RPEQs could operate from beyond the Queensland border without any accountability to the Board or the Queensland public.

The Board has RPEQs registered in many places both interstate and overseas, such as Italy, Azerbaijan, and the Marshall Islands. In fact 25% of RPEQ’s reside interstate or overseas. It is therefore accepted and widely understood that registration is required in these circumstances.

- 1 *Professional Engineers Act 2002* (Qld).
- 2 *Professional Engineers Act 2002* (Qld) s 3.
- 3 *Professional Engineers Act 2002* (Qld) s 4(a).
- 4 *Professional Engineers Act 2002* (Qld) s 36.
- 5 *Professional Engineers Act 2002* (Qld) s 113(1) and (2).
- 6 *Professional Engineers Act 2002* (Qld) s 115(1).
- 7 *Professional Engineers Act 2002* (Qld) s 114(1).
- 8 *Professional Engineers Act 2002* (Qld) section 7 and Schedule 2.

