



NEWSLETTER

ISSUE 37

JULY 2017

THIS ISSUE:

1. **A WORD FROM THE REGISTRAR**
2. **SPOTLIGHT ON DIRECT SUPERVISION**
3. **APPOINTMENTS TO BPEQ'S LEGAL, COMPLIANCE AND INVESTIGATIONS UNIT**
4. **QUEENSLAND MINING INDUSTRY HEALTH AND SAFETY CONFERENCE**
5. **TOOWOOMBA, MACKAY AND MORANBAH VISIT**
6. **IPWEAQ WELCOMES NEW PRESIDENT**
7. **WELCOME TO OUR NEWEST RPEQS**

A WORD FROM THE REGISTRAR

Since being appointed as Registrar one of my priorities has been to ensure BPEQ is well resourced and staffed to meet its core functions and deliver on the expectations of the public and RPEQs. BPEQ recently welcomed two new members of staff to the Legal, Compliance and Investigations Unit who will help the organisation action current and future complaints and investigations and do so more promptly.

Due to the growth in staff numbers the BPEQ office will soon undergo refurbishment. While the refurbishments are underway BPEQ staff are relocating temporarily to an adjacent office on level 15, 53 Albert Street from 11 August 2017 to 15 September 2017. BPEQ is doing everything to ensure the process runs smoothly, but there may be some disruption to communications during the refurbishment and relocation.

On the topic of staff, the effort of the Registration and Corporate Services Unit during the renewal period deserves our recognition and thanks. Processing several thousand registration renewal applications and addressing hundreds of registration and general enquiries, while also completing day-to-day tasks is time consuming and because of the volume of work during the renewal period it can sometimes take longer for the staff to address individual matters.

Be assured that BPEQ will action or respond to all enquiries it receives, but while waiting for a response please be patient and treat staff with respect.

A reminder that RPEQs are themselves responsible for submitting their registration renewal applications and are liable for additional fees if they fail to do so by the expiry date, unless there are mitigating reasons why a registration renewal application could not be made. BPEQ distributes several reminders about renewals before and during the renewal period. To guarantee you receive renewal reminders and other essential information from BPEQ, RPEQs must update their contact details as necessary.





Earlier this month Principal Legal Officer Jon Gormley and I represented BPEQ at the Public Works and Utilities Committee hearing into the Building and Construction Legislation (Non-conforming Building Products – Chain of Responsibility and Other Matters) Amendment Bill 2017. BPEQ supports the Bill in principle, specifically information sharing arrangements between statutory regulators and conferring responsibilities on all building product supply chain participants. Recent events underscore the significance of this Bill and when it passes into legislation RPEQs who design and specify materials will need to be aware of their obligations. BPEQ will keep RPEQs updated on the Bill as it progresses.

RPEQs in Gold Coast, Toowoomba, Mackay and Moranbah have the chance to meet with BPEQ

representatives in August at the Queensland Mining Industry Health and Safety Conference and during registration roadshows. More information about the conference and the registration roadshows is included in this issue of the e-news.

Finally, a brief word on RPEQ registration fees; the State Government has agreed to increase RPEQ registration fees to \$219.95, in line with CPI changes. The new fee will apply to current RPEQs during the next renewal period.

We trust you enjoy and find the e-news useful; and please feel free to contact BPEQ at admin@bpeq.qld.gov.au or call (07) 3198 0000 if we can be of assistance.

Kylie Mercer
Registrar

SPOTLIGHT ON DIRECT SUPERVISION

Under the PE Act, registration is required for anyone carrying out a professional engineering service in Queensland or for Queensland. It is an offence for unregistered persons to undertake professional engineering services, punishable by a maximum of 1000 penalty units (currently \$126, 150). There are two narrow exceptions: first, for a person who carries out a professional engineering service under the ‘direct supervision’ of a responsible RPEQ; and second, an engineering service that is carried out only in accordance with a ‘prescriptive standard’. In this article BPEQ details the elements of direct supervision.

Obligations are placed both on the unregistered person who is being directly supervised and the RPEQ who is providing the direct supervision.

To understand the requirements, some preliminary observations are helpful:

1. The legal requirement is ‘direct supervision’ not just ‘supervision,’ A very high level of supervision is required. This is intentional;
2. It is the unregistered person who is claiming direct supervision who has the legal onus on proving the exception;
3. Direct supervision must exist for each specific professional engineering service. This is different from a general professional relationship;
4. The RPEQ who is providing the direct supervision must take professional responsibility for the professional engineering services.



THE ELEMENTS OF DIRECT SUPERVISION

To establish direct supervision, the following elements must be present:

Element	Requirement
The supervision must be direct ; and	The supervising RPEQ must have direct contact and not through a third person
The supervising RPEQ must direct the person in the carrying out of the service; and	The supervising RPEQ must actively direct the unregistered person in carrying out the professional engineering services. A passive or observational role is not sufficient
The supervising RPEQ must oversee the carrying out of the service by the person; and	The supervising RPEQ must be involved from the beginning and through out the professional engineering service.
The supervising RPEQ must evaluate the carrying out of the service by the person; and	The supervising RPEQ must evaluate the professional engineering services and ensure they are being carried out to the standard expected of a RPEQ.
The supervising RPEQ must take full professional responsibility for the service.	The requirement is that the services are carried out to the standard expected of a RPEQ and that the supervising RPEQ takes overt professional responsibility for them.

Of note is that to oversee the services, the supervising RPEQ must be involved, in the entire life-cycle of the project or service. It follows that mere end of service review, checking, sign off or certification are insufficient to establish direct supervision and would not satisfy the legal requirements under the PE Act.

PRACTICAL STEPS

The requirements for establishing direct supervision will be dependent on each individual matter and vary depending on the type of professional engineering service and level of experience of the supervisee. For the supervising RPEQ, the degree of involvement, albeit always across the lifecycle of the project or service, is a matter of professional judgement.

As a general principle, direct supervision should be fully documented. There should be substantial records demonstrating the supervisory involvement of the RPEQ in directing, overseeing and evaluating the professional engineering services. As outlined above, it is the unregistered person being directly supervised who carries the onus and should be ensuring appropriate direct supervision and record keeping.

NO RIGHT TO MONETARY OR OTHER PAYMENT

The PE Act also provides that unregistered persons, who are not directly supervised are not entitled to any monetary or other consideration for carrying out professional engineering services, even if there is a contract.

Maximising registration and ensuring all engineers who provide an engineering service in Queensland are registered is a strategic objective for BPEQ.

CONCLUSION

Further information about BPEQ policies and processes, including registration and direct supervision, is available on BPEQ's website or by contacting BPEQ directly at admin@bpeq.qld.gov.au (registration and general inquiries) or legal@bpeq.qld.gov.au (legal inquiries) or by calling (07) 3198 0000.

While BPEQ staff will endeavour to offer help about processes and procedures, staff will not give legal advice.



BPEQ ANNOUNCES NEW APPOINTMENTS TO LEGAL, COMPLIANCE AND INVESTIGATIONS UNIT



BPEQ's Legal, Compliance and Investigations Unit has been boosted with the appointment of another legal officer and a second investigator.

Conversations and surveys of RPEQs found that BPEQ needed to do more to enforce compliance with the PE Act and investigate and stop unregistered practice. By expanding the Legal, Compliance and Investigations Unit, BPEQ will be able to enforce the PE Act more actively, manage complaints and investigations and uphold the standards of engineering. RPEQs will still be engaged to work alongside the legal officers and investigators in an expert capacity.

In addition to the staff appointments, BPEQ is pushing for amendments to the PE Act to give it increased investigative and information gathering

powers; workshopping proposals to promote engineers and engineering firms that do comply with the PE Act; and has undertaken an awareness campaign to encourage the public to only engage registered professional engineers.

BPEQ will also continue to engage engineers in an educational capacity to ensure compliance with the PE Act and promote registration.

To arrange a seminar on the PE Act and RPEQ system for your workplace, contact admin@bpeq.qld.gov.au or call (07) 3198 0004.



QUEENSLAND MINING INDUSTRY HEALTH AND SAFETY CONFERENCE

BPEQ will be present at this year's Queensland Mining Industry Health and Safety Conference on the Gold Coast from 6-8 August. The conference brings together industry figures and experts to exchange information and foster health and safety management in the mining industry.

BPEQ will use the conference as an opportunity meet with engineers and employers to discuss the PE Act

and registration and the relevance to the mining and resources sector.

Venue: The Star, Gold Coast
Dates: 6-8 August 2017

For more information or to register for the conference contact safeconf@acclaimsemm.com.au or visit www.qldminingsafety.org.au/.



TOOWOOMBA, MACKAY AND MORANBAH VISIT

BPEQ staff will take to the road in August to visit Toowoomba (3-4 August), Mackay and Moranbah (21-23 August).

BPEQ staff will present a seminar to RPEQs and non-registered engineers from Toowoomba Regional Council (TRC) and surrounding councils following TRC's annual professional development breakfast. BPEQ is also planning seminars and meetings with local engineering and infrastructures operations. The

Mackay and Moranbah trip will focus on engineers employed at the various mines in the region.

Engineers or engineering firms wanting to arrange time to meet with BPEQ staff can contact admin@bpeq.qld.gov.au or call (07) 3198 0004.

IPWEAQ WELCOMES NEW PRESIDENT

BPEQ co-regulatory partner the Institute of Public Works Engineering Australia, Queensland (IPWEAQ) has a new President.

Seren McKenzie is the first female president in the IPWEAQ's 45-year history. As Manager, Infrastructure Planning and Design at Lockyer Valley Regional Council, Seren's focus is on improving her department's efficiencies including the development of strategies, policies and procedures that result in higher levels of customer service and also staff development and progression.

Seren's diverse experience in infrastructure services includes managing pre-construction services of design, survey, and associated roads and drainage technical services, as well as waste services, water and sewerage operations and soils testing. She is also experienced in operational works, asset management and strategy development.

Seren has a Bachelor of Engineering (Civil), a Masters in Engineering Technology (Environmental) and a Bachelor of Applied Science (Environmental). She is a qualified RPEQ and a Fellow of IPWEAQ and was awarded the IPWEAQ Woman in Engineering in 2012.

To mark Seren becoming President, the IPWEAQ is offering one-year complimentary membership to female RPEQs. For more information or to become a member visit <https://ipweaq.eventsair.com/ipweaq-master-contact-store/join-ipweaq/Site/Register> and use code: RPEQ2017.



WELCOME TO OUR NEWEST RPEQS

BPEQ extends a warm welcome to the following engineers who became registered in the last month:

Anton FERNANDO	Varaha MADINE	Jildo BERNARD
Marko LUND	Timothy RATCLIFFE	Renee WISE
Nathan SILBY	Boon LIAN	Ahmed FAISAL
Murray TIMPSON	Leisa JAMES	William LIEW
Steven TUCKER	Peter HYNDMAN	Yuan LU
Richard SHARPE	Hamish GRAY	Jason CHUA
Sachin PAWAR	Stewart COLLINS	Hewafonsekage FONSEKA
Lucas HART	Kai GOH	Brian JACKSON
Royce JAFTHA	Bassam ZAHER	Atif SHARIF
Shane HIGGINS	Ryan JENNER	Luke MOFFAT
Aaron MILLER	John WONG	Columbine DURIE
Eutycus WANDETTO	Hany GHALY	Andrew HAMMOND
Steven ROBERTS	Sean ROFF	Tamara FILICIN
Veronika POKA	Thomas FOX	Hossein ASADI
Nathan GOOCH	David GIBBS	Glen GUY
Xiaojing LU	Esteban LITVIN DI SANTO	Flavio XANTIDIS
Aidan ALLEN	Vera WONG	Michael HILL
Ivan MIRA	Stefan SPIRIG	Leigh BERGIN
Timothy GATES	Nicholas BATES	Rachael JUKES
Ubiratan PARAGUASSU	Thomas GEHRMANN	Jian Lin WU
Xavia TROEGER	Ivan BARRON	Justin BROWN
Patrick LEUNG	Sachi CANNING	Wei Min DENG
Derrick ONG	Paul CABASSI	Qihuan FENG
Nathan BARANELLO	Timothy HANSEN	Angela WOOD
Justin KAISER	David LAFFERTY	Stephen FEENEY
Pankaj SHARMA	Craig OHMSEN	Mohsen RASEKHI
Oliver KELLY	Zhenyi YE	Owen SENGSTOCK
Kenny LIEW	Brendan VASSALLO	Touraj NEZAMICHAHARMAHALI
Rajeev CHAUDHARI	Jacek PRZYSIEZNY	Shai-An SHAHIDEE
Quang Thanh Do NGUYEN	Ousame TRAORE	Gihan SAPARAMADU
Duncan FOX	Daan ROMMELSE	Hannah CORBETT
Alan HELLIER	Nicholas COLLINS	Paul CRIDLAND
Pedro VALENZUELA	Bianca MAGPOC	Alberto PINTO DA COSTA
Benet HALL	Katie BURNS	Stephen EVANS



Derryn BOLAND
Narelle KRACK
Simon PILOT
Michael BARNETT
Michael PICKERILL
Roy KAUPPILA
Nathan KAY
Bree ZANNES
Brett KEOGH
Ladan HAKAMI
Timothy PHELPS
Warren HITCHCOCK
Prabakaran SATHTHIYAMOORTHY
Anjula Shiran PIYASENA
Janet OUTHWAITE
Brodie AITCHISON
Brad ALLSOP
Michael CORRIGAN
James CONNER
Han TOH
Marika MULLEROVA
S GHAHDARIJANI
Kevyn LOCKYER
Kelly COVERDALE
Mohammad GARROSI
Hugh McDONALD
Thomas AMREIM
Viswa AYACCAD
Pezhman DEHKORDI
David MOHR
Gary GEORGIUO
Marcus EL SAFTY
Amy RYAN
Ben KELLY
Kok LEONG
Bradley BABCOCK
Ljiljana KRAGIC
Gianni RANTUCCI
Petros ARMENIS
Khurram JAVED
Connell MASKREY
Gary EDEN
Daniel HATCH
Craig HECK
Shane CONNOLLY
Andrew EASEY
Christopher DAWSON
Thomas VAN LOON
Ratna GEDDAM

CONNECT WITH BPEQ ON LINKEDIN



Don't forget BPEQ is on LinkedIn. To keep up to date with the latest news and events from BPEQ or to start a discussion on registration or engineering issues generally, click [FOLLOW](#).

T 07 3198 0000 E admin@bpeq.qld.gov.au

Level 15, 53 Albert Street Brisbane 4000
PO Box 15213 CITY EAST QLD 4002

This newsletter is provided for general information only. It is not legal advice and should not be taken or relied upon as such. If you have any questions or concerns about your compliance with the Professional Engineers Act 2002 (Qld) or your general legal obligations as an engineer, you should obtain appropriate legal advice. The Board accepts no legal responsibility or liability for any loss you may suffer as a result of reliance upon the information contained in this newsletter.