

Board of Professional Engineers of Queensland Policy

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| Title: General Registration Process | ID: 1.1 (5A) |
| Status: Approved | Version: 01/12/14 |

1 Rationale

This policy provides guidance to the Board in considering applications for registration from professional engineers.

Part 2 of the Act, Registration of Professional Engineers, establishes a framework for the Board to receive and assess applications for registration.

This Policy addresses the process to be adopted by the Board for assessing applications for Registration.

2 Policy

The Board accepts applications for registration in accordance with s.8 of the Act. Under s.9 of the Act, an applicant for registration is eligible for registration only if –

- (a) the applicant is qualified, under s.10 of the Act, for registration; and
- (b) the Board considers the applicant is fit to practise as a registered professional engineer

Under section 10(1)(b) of the Act, a person is qualified for registration in an area of engineering if the applicant has the qualifications and competencies prescribed under regulation.

Fitness to practise

Before the Board will approve registration or renewal of registration, a person must satisfy the Board that they are fit to practise. This is demonstrated by reference to any one of the following six elements.

1 Convictions:

(a) Indictable offences:

For an offence to be deemed to disqualify the person from registration, it must have gravity and cause concern that the person capability to practise as a professional engineer is compromised. An example would be matters of dishonesty.

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- (b) Offences against the Act or repealed Act:
These are a matter of record. Disqualification from registration by the Queensland Civil and Administrative Tribunal (QCAT) would preclude a person from applying for renewal of registration. Fines and other penalties would not preclude a person from obtaining renewal of registration but may provide a line of enquiry / concern if repeat offences occur.
 - (c) Any other offence relating to the practice of engineering, against a law applying, or which applied, in Queensland, or the Commonwealth or any other State or Territory of Australia or a foreign country:
Refusal of registration to practise as a professional engineer in the Commonwealth, another state, or Territory or a foreign company may be grounds for refusal of registration.
- 2 Registration to practice as a registered professional engineer under a law applying, or that applied in the Commonwealth, another State or Territory of Australia or a foreign country has been cancelled or suspended by the relevant registration body:
Refusal or cancellation of registration or licensing in another jurisdiction may be grounds to refuse registration.
 - 3 Any application for registration as a registered professional engineer has been refused by any registration Board:
Refusal or cancellation of registration or licensing as a professional engineer by a professional body would be grounds to refuse registration or renewal of registration. However, the Board would be obliged to consider a fresh application for registration if conditions about the applicant have changed. For example, a person may have applied under 18(b) and has subsequently gained further experience.
 - 4 Bankruptcy:
The Board would refuse registration or renewal of registration if from investigation, the Board deemed that the person was intrinsically culpable for the bankruptcy for example. evidence such as unethical behaviour leading to significant loss by creditors,
 - 5 Deed of Company Arrangement (DoCA), winding up, or receivership:
The Board will refuse registration or renewal of registration if, upon receipt of reports from receivers, liquidators or administrators, there are concerns of any voidable transactions, undue preferences, insolvent trading or any fraudulent conduct on the part of the applicant for registration or renewal.
 - 6 Other issues:
Where medical issues such as mental and physical health are

raised, the Board requires a medical certificate that the person is fit to practise before registering or renewing registration.

Areas of Engineering

The current list of areas of engineering and the relevant assessment entities can be found on the Board's website www.bpeq.qld.gov.au

3 Practice

Deciding the application

The Board may (in relation to any or all of the areas applied for)

- Accept the applicant as meeting the criteria, grant the application, register the applicant and issue a Certificate of Registration.
- Seek additional information from the applicant where necessary to make a decision. This may include a statutory declaration from the applicant detailing the circumstances resulting in the fitness to practise declaration.
- Defer the application.
- Refuse the application where it fails to meet the criteria. The Board is required to send an Information Notice under s.14 and refund the application fees. A refusal is appealable to the Tribunal.

Mutual Recognition

Applications may also be made under the *Trans-Tasman Mutual Recognition (Queensland) Act 2003* and the *Mutual Recognition (Queensland) Act 1992* (fm1.1.1). Applicants must be registered with an interstate or New Zealand registration authority in an equivalent occupation.

Renewals and continuing competencies

The period of registration is the financial year and the Board is required to send a renewal notice under s.17 (Gazetted Form 3 – Application for Renewal of Registration) at least three months prior to expiry. Applications for renewal are automatically accepted until 1 month prior to expiry and the Board may accept applications at any time prior to expiry where it considers this reasonable. In deciding whether to grant renewal, the Board considers the same matters as for initial registration. On acceptance, a new Certificate of Registration (Form 1 – Certificate of

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Registration) is issued to the applicant. Where renewal is refused, the Board issues an Information Notice (s19) to advise the applicant.

4 References

Related legislation:

Professional Engineers Act 2002

- *Part 2 – Registration of Professional Engineers*

Gazetted Forms:

Form 1 – Certificate of Registration

Form 1.1.1 – Application under Mutual Recognition

Form 2 – Application for Registration

Form 3 – Application for Renewal of Registration

Other:

Code of Practice