



INVESTIGATIONS

POLICY ID 2.3 (6A)

Effective: 2 August 2017

1. Purpose

- 1.1 This Policy provides the framework for investigations by the Board of Professional Engineers of Queensland (**BPEQ**) or by BPEQ's authorised investigators, into the conduct of registered professional engineers of Queensland (**RPEQs**) (section 41) and into suspected offences against the *Professional Engineers Act 2002* (Qld) (**PE Act**) (section 42).
- 1.2 This Policy supports policy ID No 2.1: Complaints and policy ID No 2.2: Offences.

2. Authority

- 2.1 Part 3, Division 3 of the PE Act authorises BPEQ to conduct investigations into the conduct of RPEQs and into suspected offences against the PE Act, sets out certain requirements which are placed upon BPEQ in respect of the conduct of investigations and establishes the powers and functions of investigators.
- 2.2 Part 4 of the PE Act sets out the requirements for reports about investigations.

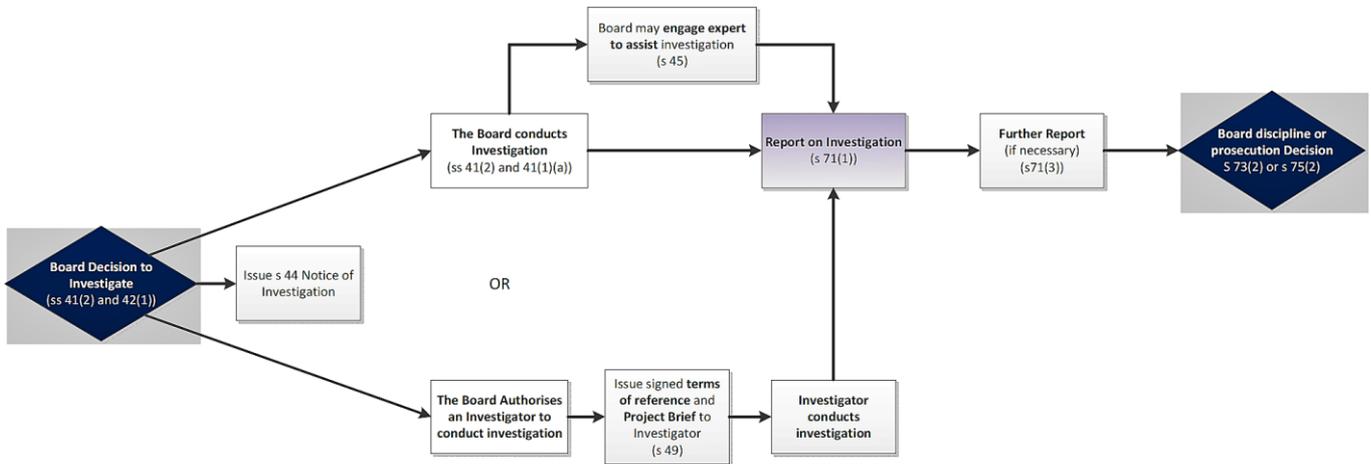
3. Scope

- 3.1 This Policy addresses all aspects of the investigation process. The investigation process commences upon BPEQ making an investigation decision pursuant to section 41 or section 42 of the PE Act and concludes upon BPEQ deciding what action to take (if any) upon the completion of an investigation pursuant to section 73(2) or section 75(2) of the PE Act.
- 3.2 This Policy provides guidance on the appointment of investigators (including the provision of a brief and terms of reference), the conduct of investigations and the provision of investigation reports.



4. Overview

4.1 The investigation process is generally, as follows:



5. Policy

General

5.1 BPEQ may make a decision to investigate under section 41(2) or section 42(1) of the PE Act, when it:

- (a) receives a complaint about the conduct of a RPEQ; or
- (b) reasonably believes that a disciplinary ground may be made out against a RPEQ; or
- (c) reasonably suspects that an offence has been committed against the PE Act.

5.2 BPEQ may, at its discretion, conduct an investigation or authorise, in writing, an investigator to undertake the investigation.

5.3 BPEQ, where it conducts investigations, will delegate its relevant investigative function to a BPEQ appointed and employed investigator with the necessary expertise or experience. The investigator may engage RPEQs to provide assistance in respect of the specialist technical aspects of the investigation as is necessary pursuant to section 45 of the PE Act.

5.4 BPEQ may authorise an external investigator in writing where it:

- (a) considers the nature and subject matter of the investigation requires experience or expertise not possessed by BPEQ employed investigators;
- (b) does not have the capacity to undertake the investigation internally; or
- (c) considers that the investigation would be better conducted by an authorised external investigator.



5.5 BPEQ has established a panel of investigators including RPEQs registered in different areas of engineering. BPEQ is not restricted to selection of an investigator from the panel and may authorise any person with requisite expertise or experience to conduct an investigation. BPEQ (by delegation to the Registrar) will appoint an investigator with requisite expertise or experience having regard to the subject matter of each investigation.

Authorising and Appointing an Investigator

5.6 In order to authorise an investigator, the Registrar must prepare and provide the proposed investigator with a:

- (a) project brief setting out the nature and scope of the investigation;
- (b) signed terms of reference and short form contract of appointment; and
- (c) invitation to submit an investigation proposal.

5.7 The Registrar will then notify the authorised investigator of the acceptance of any fee proposal and request that the contract of appointment will be signed and returned to BPEQ.

Notice of Investigation

5.8 Regardless of whether BPEQ conducts the investigation itself or authorises an investigator to conduct the investigation, the Registrar must provide a notice of investigation to the person whose conduct is being investigated pursuant to section 44 of the PE Act. The notice of investigation must be sent by BPEQ to the person the subject of the investigation as soon as practicable after BPEQ makes the relevant investigation decision.

5.9 BPEQ need not send a notice of investigation to a person whose conduct is being investigated where BPEQ reasonably believes that giving notice may:

- (a) seriously prejudice the investigation (including, for example, by bringing about the destruction of evidence); or
- (b) place a complainant or another person at risk of harassment or intimidation.

Conduct of Investigation

5.10 How an investigation is to be conducted is a matter for the discretion of the investigator in each instance, subject to the provisions of the PE Act and the requirements of procedural fairness.

Report

5.11 Following completion of an investigation, BPEQ, or the authorised external investigator, will prepare a written report about the investigation which will include the investigator's findings about the investigation, including, if the investigation was the result of a complaint, BPEQ's findings about the complaint.



- 5.12 Upon receipt of an investigation report, BPEQ must decide what further action should be taken (if any) pursuant to section 73(2) or section 75(2). BPEQ's decision under section 73(2) or section 75(2) concludes the investigation process.

6. References

- 6.1 Related legislation:

Professional Engineers Act 2002:

Part 3 – Complaints and Investigations

Part 4 – Reports and Board's Decisions about Investigations

- 6.2 Non-gazetted Forms:

- Project brief for investigator
- Short form contract for investigator