



# PAYMENT OF PENALTY AND COSTS

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## POLICY ID 2.7 (4A)

Effective: 13 June 2018

### 1. Purpose

- 1.1 The purpose of this policy is to establish a uniform practice for recovery of fines and/or penalties imposed on registered professional engineers of Queensland (**RPEQs**), and other persons, in disciplinary proceedings and prosecution proceedings conducted by the Board of Professional Engineers of Queensland (**BPEQ**) in accordance with the *Professional Engineers Act 2002* (Qld) (**PE Act**) and costs orders made in favour of BPEQ in such a proceeding or any other proceeding conducted by or against BPEQ.

### 2. Authority

- 2.1 Pursuant to Section 81(1)(e) of the PE Act BPEQ is empowered to do anything necessary or convenient to be done for the performance of its functions.
- 2.2 Pursuant to Section 80 of the PE Act the functions of BPEQ include conducting, or authorising others to conduct, investigations about the professional conduct of RPEQs and contraventions of the PE Act and to perform other functions given to BPEQ under the PE Act. One of the functions given to BPEQ pursuant to the PE Act is to start and conduct disciplinary proceedings, proceedings for the prosecution of offences and to commence or defend any other proceeding in furtherance of the objects of the PE Act.
- 2.3 In carrying out its relevant functions, BPEQ may find it necessary to seek to recover certain unpaid costs ordered in its favour and certain monetary penalties imposed on RPEQs and others by various Courts and Tribunals.

### Penalty

- 2.4 If a person is found guilty of an offence against the PE Act, the Court may order/impose a fine of between 10 and 1000 penalty units per offence (depending on the offence(s)). The value of a penalty unit is determined in accordance with the provisions of the *Penalties and Sentences Act 1992* (Qld). As



at 1 July 2017, the value of a penalty unit was \$126.15 (NB it is set to increase to \$130.55 on 1 July 2018).

- 2.5 In a disciplinary proceeding commenced and/or conducted by the Queensland Civil and Administrative Tribunal (**QCAT**), QCAT may order a RPEQ to pay a stated amount of not more than 200 penalty units (section 131(2) of the PE Act).

### **Costs**

- 2.6 For a prosecution proceeding, pursuant to section 140A of the PE Act, the Court may make an order requiring a person to pay an amount to BPEQ as compensation for all, or part of, the reasonable costs of any investigation by, or on behalf of, BPEQ, including its costs of and incidental to preparing for the prosecution proceeding.
- 2.7 For a disciplinary or other proceeding in QCAT, pursuant to section 131(3)(f) of the PE Act, where QCAT decides that a disciplinary ground is established, it may make an order requiring a RPEQ to pay an amount to BPEQ as reasonable compensation for all, or part of, the reasonable costs of any investigation by, or on behalf of, BPEQ, including the costs of and incidental to preparing for the proceeding.
- 2.8 BPEQ may also be required to recover certain unpaid costs ordered in its favour by any Court or Tribunal.

## **3. Policy**

- 3.1 If, pursuant to the Act, any Court or Tribunal in a proceeding conducted by or against BPEQ, does not set a timeframe for payment of a monetary penalty or costs order in favour of BPEQ, then BPEQ shall, as a matter of course, allow a period of 60 days from the date of the order for payment to be made in full before commencing any recovery action or other recovery or enforcement step, without notice to the debtor. BPEQ may, at its absolute discretion, choose to extend the aforementioned 60-day period.

## **4. References**

- 4.1 Related legislation:

*Professional Engineers Act 2002 (Qld)*

*Penalties and Sentences Act 1992 (Qld)*