

## **Board of Professional Engineers of Queensland v P**

This was a disciplinary action brought by the Board of Professional Engineers of Queensland (“**Board**”) against a registered professional engineer (deidentified as “**P**”). The proceeding was defended initially, but a compromise was reached and the Queensland Civil and Administrative Tribunal (“**Tribunal**”) was called on to consider penalty and costs.

### **Disciplinary Ground**

The complaint against the respondent, P, alleged that P engaged in unsatisfactory professional conduct while registered as a registered professional engineer.

### **P’s Background**

P was registered as a registered professional engineer and was the managing director and principal engineer of an engineering firm.

### **The Project**

P was engaged to prepare the engineering designs for a house in Belmont, and to carry out inspections of the footings and slab. P carried out the design work for the house, and another employee of P’s firm carried out the inspections.

### **Conduct of P**

Both the Board and P agreed that in relation to the footing system construction, P failed to properly document a design variation and instead certified a structural design which made no reference to the design variation. P agreed that this failure constituted unsatisfactory professional conduct.

### **What the Tribunal Said**

By consent the Tribunal ordered that a disciplinary ground is established against P in that P behaved in a way that constitutes unsatisfactory professional conduct.

On the issue of penalty and costs, the Tribunal found that there was certainly an omission in the structural designs certified by P, however:

1. this was not an deliberate act, but more a failure of P to be mindful of to the essential matters that needed to be recorded on the certificate; and
2. there was no intention on the part of P to conceal the design variation from any person including the owner or the builder.

### **Consequences for P**

In determining the appropriate penalty, the Tribunal took into account a number of factors, including:

1. the need to ensure the protection of the public and the need to maintain public confidence in the standard of services provided by registered professional engineers; and
2. the need for some deterrent effect to ensure that the certification of structural designs are of an appropriate standard and contain an accurate description of the intended method of construction.

Taking the above factors into consideration, the Tribunal ordered that P pay a monetary penalty and the Board's costs.