

Board of Professional Engineers of Queensland v B

This was a disciplinary proceeding brought by the Board of Professional Engineers of Queensland (“**Board**”) against a registered professional engineer (deidentified as “**B**”) in the Queensland Civil and Administrative Tribunal (“**Tribunal**”).

Disciplinary Ground

The Board alleged that B had behaved in a way that constituted unsatisfactory professional conduct in the design and certification of a gravity boulder retaining wall.

B’s Background

B was a registered professional engineer.

Conduct of B

In 2005, B was engaged to design and certify a retaining wall constructed on a residential property (“**Retaining Wall**”).

B provided the following professional engineering services:

- drawings for the purpose of constructing the Retaining Wall (“**Drawings**”); and
- a letter of certification, certifying that the structural details of the Retaining Wall complied with the relevant Australian Standards and Codes of Practice and that the design was in accordance with sound engineering practices (“**Certification**”).

The Retaining Wall was subsequently built but collapsed five years later.

B provided the Certification even though:

- the Certification was not a true representation of the actual design and construction;
- the Drawings failed to show or describe any provision for a spoon drain or other measures at the crest of the Retaining Wall to control and minimise erosion, infiltration or runoff of water;
- the design depicted in the Drawings did not include a global stability check and was contrary to the relevant Australian Standard;
- the design depicted in the Drawings did not incorporate details at the crest of the Retaining Wall to protect the surface against erosion and to minimise infiltration of water into the granular fill; and
- the “standard conditions” which were part of the Certification referred to backfill standards which were unlikely to have been implemented and for which no verifying evidence was provided.

What the Tribunal Said

The Tribunal found that B’s conduct amounted to unsatisfactory professional conduct because it demonstrated a lack of understanding of, or regard for, the engineering practices and principles required to safely design and certify the retaining wall.

Consequences for Engineer

The Tribunal took into consideration the fact that B had acknowledged that the conduct was inappropriate.

The Tribunal ordered that B be reprimanded and imposed a monetary penalty.