

Board of Professional Engineers v A

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

Disciplinary Ground

The Board alleged that A had behaved in a way that constituted unsatisfactory professional conduct in preparing slab and footing designs based on the reclassification of class “E” sites to class “S” sites contrary to the recommendation in AS2870-1996. Class “E” sites are extremely reactive sites which can experience extreme ground movement from moisture changes. Class “S” sites are slightly reactive clay sites with only slight ground movement from moisture changes.

A’s Background

A was a registered professional engineer of long standing.

Conduct of A

In 2010, a builder engaged A to provide the following professional engineering services at four residential dwelling sites:

- site investigation and provision of a geotechnical report;
- slab and footing design for a residential dwelling to be built on each site; and
- issuing a Form 15 Compliance Certificate for Building Design or Specification (“**Form 15**”) for each site investigation and slab design pursuant to the *Building Act 1975*.

Despite each site being classified as class “E” following geotechnical investigation, in each report A stated that the material beneath the building would behave as class “S” if A’s designs and recommendations were adopted.

In doing so A ignored the requirements in AS2870-1196 in that A’s methodology for site classification was to be based upon the current performance of existing buildings on such soil which were not less than 10 years old; A relied upon data from existing residential footing systems which were not more than five years old.

Based upon the inappropriate reclassification, A prepared footing designs for each of the four sites which were suitable for a class “S” site but which were wholly unsuitable for a class “E” site. A went on to certify the site inspections and the footing designs for each of the four sites.

What the Tribunal Said

The Tribunal reprimanded A, imposed a monetary penalty, and ordered him to pay the Board’s costs.

A was further ordered to give an undertaking that in the event any of the slab and footings designed by A fell unreasonably below the performance expected on an “E” class site within the five years following the order A would cease to provide professional engineering services in Queensland, not oppose the Board suspending A’s registration as an RPEQ, and not apply for registration as an RPEQ in Queensland in the future.