



PROFESSIONAL ENGINEERING SERVICES AND PRESCRIPTIVE STANDARDS

PRACTICE NOTE ID: 4.3 (2A)

Effective: 8 August 2018

1. Rationale

- 1.1 A number of engineers have made enquiries of BPEQ regarding the meaning of the terms 'professional engineering service' and 'prescriptive standard, which appear in the *Professional Engineers Act 2002*' ('the PE Act').
- 1.2 The purpose of this document is to provide an explanation of the meaning of these terms.

2. Introduction

- 2.1 It is an offence under the PE Act for persons other than registered professional engineers to provide professional engineering services (s115). This means that if you are providing any professional engineering services, you must be registered as a registered professional engineer.

3. Requirements of the PE Act

- 3.1 The dictionary in Schedule 2 to the PE Act provides that:
 - (a) Professional engineering service means an engineering service that requires, or is based on, the application of engineering principles and data to a design, or to a construction, production, operation or maintenance activity, relating to engineering, and does not include an engineering service that is provided only in accordance with a prescriptive standard.
- 3.2 The dictionary in Schedule 2 to the PE Act provides that:
 - (a) for carrying out a design, or a construction, production, operation or maintenance activity, relating to engineering; and
 - (b) the application of which, to the carrying out of the design, or the construction, production, operation or maintenance activity, does not require advanced scientifically based calculations.



- 3.3 The PE Act provides a single example namely:
- (a) AS1684 – Timber framing code, published by Standards Australia
- 3.4 The PE Act's definitions make clear that a service will not be a 'professional engineering service' if it 'is provided only in accordance with a prescriptive standard.'

4. Practice

- 4.1 BPEQ takes the view that a person who merely undertakes tasks set out in, or required by, a document which meets the definition of 'prescriptive standard', is providing services 'only in accordance with' a prescriptive standard. That person is therefore not providing 'professional engineering services' and does not need to be registered. A document may meet the definition of 'prescriptive standard' irrespective of whether it is published by a body such as Standards Australia, or is produced by an individual RPEQ engineer for application in particular circumstances. However, many Australian Standards will not meet the definition of 'prescriptive standard' because for example; they may require the exercise of judgement and/or require advanced scientifically based calculations.
- 4.2 On the other hand, where a person provides services which include, for example, a professional decision to use a particular document which states procedures or criteria, that service is unlikely to be 'provided only in accordance with 'a prescriptive standard'. That is because the decision to use the document is unlikely to be a decision taken in accordance with the document itself. A service which includes a professional judgment about which standards or criteria should be applied to a particular situation is therefore likely to be a 'professional engineering service.'
- 4.3 For further guidance in relation to 'prescriptive standards' see BPEQ Practice Note 4.6 – Prescriptive Standards.

5. References

- 5.1 Related legislation:
- (a) *The Professional Engineers Act 2002*