

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

This case was a prosecution brought by the Board of Professional Engineers of Queensland (“**Board**”) against **N** (deidentified) in the Magistrates Court of Queensland (“**Court**”).

### **Charges**

The charges against N alleged that N presented himself as a registered professional engineer despite not being registered as a registered professional engineer at the time, that N used the title of “registered professional engineer of Queensland” (“**RPEQ**”) despite not being an RPEQ, and that N carried out professional engineering services despite not being registered.

In addition, there was a further charge of failing to supply a document as requested by the investigator appointed to consider the charges.

### **N’s Background**

N was not registered as an RPEQ at any time while undertaking the work in respect of which the complaint was made. At the time of the conduct, N held a diploma in civil engineering, and was continuing studies to obtain a bachelor of civil engineering.

### **Conduct of N**

N was engaged by a Body Corporate to inspect a retaining wall in need of repair or replacing at a property in Brisbane. N attended the property in to perform a site inspection.

N subsequently prepared an inspection report which contained the findings of his inspection of the retaining wall, and included drawings for a proposed replacement retaining wall. N also issued a Form 15 Certificate for the construction of the retaining wall in accordance with the drawings N had prepared. N was not a registered professional engineer at any time when providing these engineering services in relation to the retaining wall.

Following a complaint being made to the Board in relation to N’s conduct, an investigator was appointed to consider the complaint. N received a notice in September 2007 requiring that a particular document be supplied to the investigator; however N failed to supply the document.

### **What the Court Said**

In this instance, the matter did not proceed to a hearing before the Court, but was settled by a formal agreement between the parties which was considered and adopted by the Court.

N agreed N was guilty of the charges of presenting N as a registered professional engineer, using the title of RPEQ and carrying out professional engineering services despite not being registered as a professional engineer at the time, and of failing to supply a document as requested by the appointed investigator. The parties agreed that a conviction should not be recorded given this was N’s first offence.

### **Consequences for N**

The parties recommended to the Court that the appropriate penalty was for N to pay a monetary penalty and the Board’s costs. The Court subsequently made an order confirming the recommendations made to the Court by the parties, ordering that N was guilty of the charges and was convicted, although no conviction was recorded.