



BOARD OF
**PROFESSIONAL
ENGINEERS**
OF QUEENSLAND

APPLYING FOR RPEQ REGISTRATION THROUGH MUTUAL RECOGNITION – EXPLANATORY NOTES

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ABOUT MUTUAL RECOGNITION

Mutual recognition is a process that allows people licensed or registered to practise an occupation in one jurisdiction to practise an equivalent occupation in other jurisdictions. Mutual recognition applies to all occupations in Australia and New Zealand. For Australia, it is governed by the *Mutual Recognition Act 1992* (Cth) (**MR Act**) and for New Zealand by the *Trans-Tasman Mutual Recognition Act 1997* (Cth) (**TTMR Act**).

Engineers who are registered in other States and Territories and New Zealand can therefore apply through mutual recognition to be registered with BPEQ as a registered professional engineer of Queensland (**RPEQ**) under the *Professional Engineers Act 2002* (Qld) (**PE Act**).

General information about mutual recognition and Trans-Tasman mutual recognition can be found on the Commonwealth Government Department of Education and Training's License Recognition [webpage](#) and Mutual Recognition [webpage](#).

THE MUTUAL RECOGNITION AND TRANS-TASMAN MUTUAL RECOGNITION PRINCIPLES

Registration under the MR Act is governed by the mutual recognition principle. The principle asserts that a person who is registered in a State or Territory for an occupation is entitled, after notifying the local registration authority of another State or Territory for the equivalent occupation, to be registered in that State or Territory for the equivalent occupation and, pending such registration, to carry on the equivalent occupation in that second State or Territory.¹

Registration under the TTMR Act is governed by a similar principle called the Trans-Tasman mutual recognition principle. The principle asserts that a person who is registered in New Zealand for an occupation is entitled, after notifying the local registration authority of an Australian jurisdiction for the equivalent occupation, to be registered in that jurisdiction for the equivalent occupation and, pending such registration, to carry on the equivalent occupation in that jurisdiction.²

These principles are, however, subject to the exception that it does not affect the operation of laws that regulate the manner of carrying on an occupation in an Australian jurisdiction so long as those laws apply equally to all persons carrying on or seeking to carry on the occupation under the law of the jurisdiction and are not based on the attainment or possession of some qualification or experience relating to fitness to carry on the occupation.

OCCUPATION, REGISTRATION AND EQUIVALENCE

To be eligible to apply for registration as a RPEQ under mutual recognition, you must be registered in an occupation in another State or Territory or New Zealand that is equivalent to the occupation of RPEQ.

An occupation means an occupation, trade, profession, or calling of any kind that may be carried out only by registered persons, where registration is wholly or partly dependent on the attainment or possession of some qualification (for example, training, education, examination, experience, character, or being fit or proper) and includes a specialisation in any of the above in which registration may be granted.

Registration, for an occupation, includes the licensing, approval, admission, certification (including by way of practising certificates), or any other form of authorisation, of a person required by or under legislation for carrying on an occupation.

Membership of or professional accreditation from an association of professional engineers, such as Engineers Australia or Engineering New Zealand, is not registration for an occupation because it is not registration required by or under legislation. Such membership or accreditation does not entitle you to apply for registration under mutual recognition. You will need to apply through BPEQ's normal registration process.

The occupation for which you are registered in another State or Territory or New Zealand is taken to be equivalent to the occupation of RPEQ only if the activities authorised to be carried out under each registration are substantially the same (whether or not this result is achieved by means of the imposition of conditions).

¹ Subject to Part 3 of the MR Act.

² Subject to Part 3 of the TTMR Act.



BPEQ assesses this by:

- identifying the activities authorised to be carried out under your registration in the other State or Territory or New Zealand;
- identifying the activities authorised to be carried out under registration with BPEQ as a RPEQ;
- comparing the activities to determine whether they are substantially the same.

If the occupation for which you are registered in another State or Territory or New Zealand is not taken to be equivalent to the occupation of RPEQ you are not entitled to apply for registration as a RPEQ through mutual recognition and must apply through BPEQ's normal registration process.

HOW TO APPLY

You must apply for mutual recognition by way of the approved notice (link to be added).

HOW TO COMPLETE THE NOTICE

You must fully complete the notice and attach all required documents. If you do not, your notice will be invalid, and you will not receive deemed registration (see the deemed registration section on page 9).

Do not use staples or glue or affix sticky notes to your application. Ensure all documents you provide are on A4 paper.

Copies of documents you attach do not need to be certified.

Please contact BPEQ at admin@bpeq.qld.gov.au or call 07 3210 3100 if you have any questions or need help filing out the notice.

PERSONAL DETAILS

You must provide various personal details in the notice.

Your residential address, business/employer address, and email address will be used by BPEQ to correspond with you, including to give you notices under the PE Act and MR Act/TTMR Act. Your residential address cannot be a PO Box.

If you are granted registration, the following of your personal details will be kept in BPEQ's register of RPEQs:

- your first name, middle name(s), and surname; and
- your preferred name (if any); and
- your business/employer name; and
- your business/employer address; and
- your business/employer telephone; and
- your business employer facsimile; and/or
- your business/employer email.

The register is open for inspection by members of the public. Details including name, RPEQ number, date of registration, business/employer name and business/employer suburb/city, postcode, state/territory and country also appears in the RPEQ search function on BPEQ's [website](#).

Your residential address will be used if you do not have a business/employer address (e.g. you are not practising or are not practising predominantly at one place).

Your other personal information will be collected to authenticate your identity when you contact BPEQ to discuss your personal information and assist BPEQ in performing its functions under the PE Act and MR Act/TTMR Act.



REGISTRATION TYPE AND AREA OF ENGINEERING

You must indicate whether you are applying for registration as a practising professional engineer or non-practising professional engineer. Please remember that non-practising professional engineers cannot carry out, or provide direct supervision for nor take responsibility for, professional engineering services. For more information about registration as a non-practising professional engineer contact BPEQ at admin@bpeq.qld.gov.au or call 07 3210 3100.

You must state each area of engineering in which you seek registration with BPEQ.

The areas of engineering are:

- Aerospace
- Aeronautical
- Biomedical
- Building Services
- Chemical
- Civil
- Civil (Public Works)
- Electrical
- Environment
- Environmental
- Fire
- Fire Safety
- Geotechnical (mining)
- Heritage and Conservation
- In-service Inspection of Amusement Rides and Devices
- Information, Technology and Telecommunications
- Information, Telecommunications and Electronics
- Leadership and Management
- Management
- Mechanical
- Metallurgical
- Mining
- Naval Architecture
- Oil and Gas Pipeline
- Structural
- Subdivisional Geotechnics engineering
- Petroleum
- Pressure Equipment Design Verification

EMPLOYMENT DETAILS

Your business/employer details are the details of the place where you predominantly practise.

If you are not practising or are not practising predominantly at one place, your business/employer details are your personal details (i.e. your residential address and personal telephone number, fax number, and email address).

Your business/employer address cannot be a PO Box.

EDUCATION AND PROFESSIONAL EXPERIENCE

You must provide details of your tertiary qualifications relevant to engineering and attach a copy of each qualification. You must also provide a description of your practice history and attach a copy of your current curriculum vitae.

REGISTRATION DETAILS

You must provide details of your current registration for the occupation in the State or Territory or New Zealand on which basis you are applying for registration through mutual recognition. You must attach the original or a copy of the instrument evidencing the registration. This could be a Registration Certificate, Practising Certificate, Certificate of Accreditation, or similar.

You must also provide details of your registration for occupations that you maintain are equivalent in all other States or Territories of Australia and New Zealand and an original or copy of the instrument evidencing each of those registrations.

You must provide a list of the activities each of these registrations authorises to be carried out.

This information may be located in:

- the instrument evidencing your registration;
- the legislation/regulation/rules/scheme under which you are registered;
- information sheets published by your registration authority.

If you do not know what activities a registration you have authorises you to carry out, you should obtain this information from the relevant registration authority.



FITNESS TO PRACTISE ISSUES

You must make various declarations about issues that might affect your fitness to practise as a RPEQ.
For these declarations:

Bankruptcy means:

- you are a bankrupt in respect of a bankruptcy from which you have not been discharged, whether in Australia or in an external territory or foreign country;
- you have the status of an undischarged bankrupt under the law of an external territory or a foreign country;
- your property is subject to control by the Official Trustee or another specified registered trustee or a solicitor, whether under a personal insolvency or otherwise, under the *Bankruptcy Act 1966* (Cth) (**Bankruptcy Act**) or the corresponding law of an external territory or foreign country;
- you have executed a personal insolvency agreement under Bankruptcy Act or the corresponding law of an external territory or foreign country, and the terms of the agreement have not been fully complied with;
- you are party to a debt agreement under the Bankruptcy Act or the corresponding law of an external territory or a foreign country.

Control action means:

- execution of a deed of company arrangement under the *Corporations Act 2001* (Cth) (**Corporations Act**) or the corresponding law of an external territory or a foreign country;
- a winding-up, whether or voluntarily under court order, under the Corporations Act or the corresponding law of an external territory or foreign country;
- appointment of an administrator, liquidator, receiver, or receiver and manager under the Corporations Act or the corresponding law of an external territory or foreign country.

Conviction means a conviction by or before any court for an offence, whether recorded, in Australia or overseas.

Rehabilitation period, for a conviction, means—

- (a) in relation to a conviction on indictment recorded against a person who in relation to that conviction was not deal with as a child—
 - (i) a period of 10 years commencing on the date the conviction is recorded; or
 - (ii) where an order of a court made in relation to the conviction has not been satisfied within that period of 10 years—a period terminating on the date the order is satisfied;

whichever period is the later to expire; or

- (b) in relation to a conviction recorded against a person where paragraph (a) above does not apply—
 - (i) a period of five years commencing on the date the conviction is recorded; or
 - (ii) where an order of a court made in relation to the conviction has not been satisfied within that period of five years—a period terminating on the date the order is satisfied;

whichever period is the later to expire.

Revival, for any conviction for which a rehabilitation period has expired, means the following:

- (1) Subject to paragraph (2) below, where a person who has incurred a conviction—
 - (a) in relation to which the rehabilitation period is running; or
 - (b) in relation to which the rehabilitation period has expired;

is again convicted for an offence in Australia or overseas—

- (c) in the case referred to in subparagraph (a) above—the rehabilitation period in relation to that conviction commences again to run on the date the offender is again convicted and any part of the rehabilitation period that elapsed between that conviction and that date is disregarded; and
- (d) in the case referred to in subparagraph (b) above—that conviction is taken to be revived and the rehabilitation period in relation to that conviction commences again to run on the date of the revival of that conviction.



- (1A) However, if the subsequent conviction is quashed on appeal, the provisions of subparagraphs (c) or (d) above (whichever is appropriate) do not apply and it is as if the subsequent conviction had not been incurred.
- (2) Paragraph (1) above does not apply where the offence for which a person is subsequently convicted is a simple offence or a regulatory offence or an offence that if committed in Queensland would be a simple offence or a regulatory offence or an offence in respect of which the offender could be dealt with in summary proceedings unless the court by which the person is subsequently convicted is satisfied that, having regard to the public interest, previous convictions recorded against the person, or any of them, should be revived and pronounced accordingly in its order.
- (3) Where a court pronounces in its order that one or some only of several convictions recorded against a person are to be revived the provisions of paragraph (1) above applies in respect of that conviction or those convictions.

Spent conviction means a conviction in Australia or overseas for which any rehabilitation period (or equivalent overseas concept) has expired and that is not revived.

The list of issues that might affect your fitness to practise is not exhaustive. If you have any doubt about whether an issue might affect your ability to competently and safely practise as a RPEQ, you must contact BPEQ at admin@bpeq.qld.gov.au or call 07 3210 3100 to discuss before lodging your notice.

STATUTORY DECLARATION

Your notice and all documents attached to it must be verified by statutory declaration. You must make the declaration before a qualified witness. If you do not, your notice will be invalid, and you will not receive deemed registration.

Your notice must be signed with an original (wet ink) signature. Notices with a copied or digital signature are invalid.

A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is:

- if charged and convicted under Commonwealth law—imprisonment for a term of four years—see section 11 of the *Statutory Declarations Act 1959* (Cth) (*Statutory Declarations Act*). Chapter 2 of the *Commonwealth Criminal Code* applies to all offences against the Statutory Declarations Act—see section 5A of the Statutory Declarations Act; or
- if charged and convicted under Queensland law—imprisonment for a term of four years—see section 194(1) of the *Criminal Code Queensland*.

There are various people who may be able to witness your statutory declaration. A Commonwealth statutory declaration under the Statutory Declarations Act will need to be witnessed by a person who is:

- on the list of authorised witnesses (see below); and
- has a connection to Australia.

For example, a doctor who is registered to practise medicine in Australia can witness your declaration, but a doctor who is not registered in Australia cannot.

If you are currently overseas, you may be able to find someone who is an authorised witness at your nearest Australian embassy, high commission, or consulate. For more information, including contact details, visit the Department of Foreign Affairs and Trade [website](#) or the Smartraveller [website](#). An authorised witness may attract a fee under the *Consular Fees Act 1955* (Cth) (**Consular Fees Act**).

For more information about Commonwealth statutory declarations visit the Australian Government Attorney-General's Department Statutory declarations [website](#).

A statutory declaration under the Statutory Declarations Act may be made before any of the following authorised witnesses who has a connection to Australia –



- a person who is currently licensed or registered under a law to practise in one of the following occupations:
 - chiropractor;
 - dentist;
 - legal practitioner
 - medical practitioner;
 - nurse;
 - optometrist;
 - patent attorney;
 - pharmacist;
 - physiotherapist;
 - psychologist;
 - trade marks attorney; or
 - veterinary surgeon;
- a person who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described); or
- a person who is in the following list:
 - agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public;
 - Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the Consular Fees Act);
 - bailiff;
 - bank officer with five (5) or more continuous years of service;
 - building society officer with five (5) or more years of continuous service;
 - chief executive officer of a Commonwealth court;
 - clerk of a court;
 - commissioner for Affidavits;
 - commissioner for Declarations
- Credit union officer with five (5) or more years of continuous service
- Employee of the Australian Trade Commission who is:
 - (a) in a country or place outside Australia; and
 - (b) authorised under paragraph 3 (c) of the Consular Fees Act; and
 - (c) exercising his or her function in that place
- Employee of the Commonwealth who is:
 - (a) in a country or place outside Australia; and
 - (b) authorised under paragraph 3 (c) of the Consular Fees Act; and
 - (c) exercising his or her function in that place
- Fellow of the National Tax Accountants' Association
- Finance company officer with five (5) or more years of continuous service
- Holder of a statutory office not specified in another item in this list
- Judge of a court
- Justice of the Peace
- Magistrate
- Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961*
- Master of a court
- Member of Chartered Secretaries Australia
- Member of Engineers Australia, other than at the grade of student
- Member of the Association of Taxation and Management Accountants
- Member of the Australasian Institute of Mining and Metallurgy



- Member of the Australian Defence Force who is:
 - (a) an officer; or
 - (b) a non-commissioned officer within the meaning of the *Defence Force Discipline Act 1982* with five (5) or more years of continuous service; or
 - (c) a warrant officer within the meaning of that Act
- Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants
- Member of:
 - (a) the Parliament of the Commonwealth; or
 - (b) the Parliament of a State; or
 - (c) a Territory legislature; or
 - (d) a local government authority of a State or Territory
- Minister of religion registered under Subdivision A of Division 1 of Part IV of the Marriage Act
- Notary public
- Permanent employee of the Australian Postal Corporation with five (5) or more years of continuous service who is employed in an office supplying postal services to the public
- Permanent employee of:
 - (a) the Commonwealth or a Commonwealth authority; or
 - (b) a State or Territory or a State or Territory authority; or
 - (c) a local government authority;
 - (d) with five (5) or more years of continuous service who is not specified in another item in this list
- Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made
- Police officer
- Registrar, or Deputy Registrar, of a court
- Senior Executive Service employee of:
 - (a) the Commonwealth or a Commonwealth authority; or
 - (b) a State or Territory or a State or Territory authority
- Sheriff
- Sheriff's officer
- Teacher employed on a full-time basis at a school or tertiary education institution

CHECKLIST

You should complete the checklist to ensure you have fully completed the form and attached all required documents.

FEES

	APPLICATION PERIOD	REGISTRATION FEE	APPLICATION FEE
PRACTISING PROFESSIONAL ENGINEERS	1 July 2018 – 24 December 2018	\$227.65	\$61.65
	25 December 2018 – 30 June 2019	\$114.55	\$61.65
NON-PRACTISING PROFESSIONAL ENGINEER	1 July 2018 – 24 December 2018	\$113.80	\$61.65
	25 December 2018 – 30 June 2019	\$61.65	\$61.65

The fees for application and registration under the MR/TTMR Act are the same as the fees incurred in the normal registration process. Fees are subject to change and are GST exempt.

You must complete the Tax Invoice/Direct Debit Request Form attached to the notice, otherwise your notice will be invalid and you will not receive deemed registration.



FALSE OR MISLEADING STATEMENTS IN NOTICE OR DOCUMENTS ATTACHED TO NOTICE

Making a false or misleading statement in your notice or providing a false or misleading document with your notice is also an offence against the PE Act and is a ground for disciplining a RPEQ or cancelling registration.

LODGEMENT

You must lodge the notice by post to:

PO Box 15213
CITY EAST QLD 4002
AUSTRALIA

or deliver to BPEQ's office at:

Level 15, 53 Albert Street
BRISBANE QLD 4000
AUSTRALIA

Other methods of lodgement, including by email or fax, are not accepted and will render your application invalid.

PROCESSING PERIOD

BPEQ has one month from the date it receives your valid notice to process it (**the processing period**). During this processing period, BPEQ must either grant you substantive registration as a RPEQ or refuse or postpone the grant. Postponement will extend the processing period as discussed below. If BPEQ does none of these things during this period, you are automatically entitled to registration immediately at the end of this period and no objection may be taken to your notice on any grounds on which a grant may be refused except where fraud is involved.

AMENDING NOTICE AFTER LODGEMENT

You may amend your notice after lodgement. To amend your notice, email your amendments from your email address stated in the notice to admin@bpeq.qld.gov.au.

NOTIFICATION REQUIREMENTS DURING PROCESSING PERIOD

During the processing period, you must notify BPEQ immediately if any of the information in your notice changes. Particularly, you must notify BPEQ immediately if any of the following occurs regarding your registration for an occupation in another State or Territory or New Zealand:

- you become the subject of a disciplinary proceeding regarding the occupation;
- you become the subject of any preliminary investigation or action regarding the occupation that might lead to you becoming the subject of a disciplinary proceeding;
- your registration for the occupation is cancelled or suspended as a result of disciplinary action;
- you become personally prohibited from carrying out the occupation;
- your registration for the occupation becomes subject to any special conditions in carrying out this occupation as a result of civil, criminal, or disciplinary proceedings;
- your registration for the occupation becomes subject to other special conditions.

FURTHER INFORMATION DURING PROCESSING PERIOD

During the processing period, BPEQ may write to you and require you to provide other relevant information it reasonably requires to decide your application. If you delay in providing this information, it will delay the processing of your application.



DEEMED REGISTRATION

During the processing period, you are taken to be registered as a RPEQ in the area(s) of engineering in which you seek registration. This registration is called **deemed registration**.

Under deemed registration, you may carry out professional engineering services in or for Queensland in the area(s) of engineering for which you seek registration as if you were registered as a RPEQ.

However, you may only do so:

- within the limits conferred on RPEQ registration under the PE Act. This means you are subject to all of the limits and obligations on practice that apply to a RPEQ, which include practising only within your area registration and further within your area of competence;
- within the limits conferred by your registration in the other State or Territory or in New Zealand. This means you are only authorised to undertake the professional engineering services in Queensland that you could undertake under your registration in the other State or Territory or in New Zealand;
- subject to any conditions or undertakings applying to your registration in the other State or Territory or New Zealand (unless BPEQ waives them, which it may do if it thinks it appropriate);
- subject to any conditions BPEQ imposes on your deemed registration (see below).

Your deemed registration continues until:

- BPEQ cancels or suspends it;
- you ask BPEQ to cancel it
- BPEQ grants or refuses to grant substantive registration;
- you cease to be substantively registered in every other State or Territory in which you have substantive registration, or in New Zealand;

While you have deemed registration, you will be listed in BPEQ's register of RPEQs.

BPEQ may impose conditions on deemed registration but cannot impose conditions that are more onerous than would be imposed in similar circumstances (having regard to relevant qualifications and experience) on a RPEQ, unless they correspond to conditions on the registration in the other State or Territory or New Zealand or are necessary to achieve equivalence between that occupation and the occupation of RPEQ.

BPEQ will notify you in writing if you have received deemed registration and if it decides to impose any conditions.

POSTPONEMENT OF GRANT OF SUBSTANTIVE REGISTRATION

BPEQ may postpone the grant of substantive registration if:

- certain information and documents required to be provided in your notice have not been provided or are materially false or misleading;
- your circumstances have materially changed since the date of your notice or the date it was lodged;
- BPEQ decides the occupation for which you are registered in the other State or Territory or New Zealand is not equivalent to the occupation of RPEQ.

BPEQ may postpone the grant for no longer than a period of six months. The processing period is extended until the end of this time. Deemed registration is unaffected by postponement. BPEQ will notify you in writing if it decides to postpone the grant of substantive registration.



GRANT OF SUBSTANTIVE REGISTRATION

By the end of the processing period, BPEQ must decide to grant or refuse to grant you substantive registration. Substantive registration is registration under the PE Act as a RPEQ in one or more areas of engineering.

BPEQ may refuse the grant if:

- certain information and documents required to be provided in your notice have not been provided or are materially false or misleading;
- BPEQ decides the occupation for which you are registered in the other State or Territory or New Zealand is not equivalent to the occupation of RPEQ.

BPEQ may impose conditions on substantive registration but cannot impose conditions that are more onerous than would be imposed in similar circumstances (having regard to relevant qualifications and experience) on a RPEQ, unless they correspond to conditions on the registration in the other State or Territory or New Zealand or are necessary to achieve equivalence between that occupation and the occupation of RPEQ.

If BPEQ refuses to grant you substantive registration, your deemed registration ceases at the time of that decision. This means you will no longer be entitled to carry out professional engineering services in or for Queensland. It is an offence to carry out professional engineering services in or for Queensland if you are not a RPEQ (unless you are under the direct supervision of a responsible RPEQ or work only in accordance with a prescriptive standard).

BPEQ will notify you in writing of its decision to grant or refuse to grant substantive registration and, if substantive registration is granted, if it decides to impose any conditions.

PRIVACY

The personal information you provide in your notice will be used by BPEQ to administer the PE Act and the MR Act/TTMR Act, including but not limited to assessing whether to grant substantive registration or refuse or postpone the grant and assessing whether to impose conditions on deemed or substantive registration.

BPEQ is authorised to collect this information by the PE Act and MR Act/TTMR Act. BPEQ may use third parties to administer and deliver services and communications to you including, but not limited to, maintaining BPEQ's register of RPEQs, newsletters, updates, and online surveys. Some of these third parties may be located outside Australia. Personal information you provide with this application may be transferred to an entity outside Australia and stored outside Australia to administer and deliver these services and communications. By completing the notice, you agree to this transfer.

Please visit www.bpeq.qld.gov.au for more privacy information and information about how to access or amend documents containing your personal information.

CONSENT TO ELECTRONIC COMMUNICATIONS

By completing the notice, you consent to BPEQ giving you information, including notices under the PE Act and MR/TTMR Act by email to your email address.