



NEWSLETTER

ISSUE 44

APRIL 2018

THIS ISSUE:

1. **A WORD FROM THE REGISTRAR**
2. **NEW BOARD APPOINTMENTS**
3. **CASE STUDY: QCAT REPRIMANDS RPEQ FOR INAPPROPRIATE PROFESSIONAL CONDUCT**
4. **RENEWAL FAQs**
5. **INFRASTRUCTURE AUSTRALIA RELEASES LATEST INFRASTRUCTURE PRIORITY LIST**
6. **WELCOME TO OUR NEWEST RPEQS**

A WORD FROM THE REGISTRAR

BPEQ welcomes two new Board members next month – Nagaratnam Sivakugan and Suzy Cairney, while Chairperson Dawson Wilkie has been re-appointed for another three-year period.

Registration renewals for 2018/19 are well underway and several thousand RPEQs have already re-registered. The renewal process is being done entirely online this year, unless you have a fitness to practice or continuing professional development issue or are changing from practising to non-practising. I understand that some RPEQs have experienced problems with the online renewal process; BPEQ is working to fix these problems and learn where we can improve the process in future.

In this issue of the e-news we have included an FAQ section based on some of the questions received from RPEQs about the renewal process.

Also in this month's e-news is a legal study from a recent case settled by BPEQ in the Queensland Civil and Administrative Tribunal (QCAT). The QCAT decision highlights the importance of appropriate professional conduct and direct contact and actual knowledge by RPEQs in projects they are involved in.

And briefly, BPEQ thanks outgoing Principal Legal Officer Jon Gormley for his service over the last two years. Jon did an outstanding job of leading the Legal, Compliance and Investigations Unit and setting up more efficient processes for managing complaints and investigations. Paul Kanowski will now move into the role of Principal Legal Officer.

If you require assistance please contact BPEQ at admin@bpeq.qld.gov.au or call 07 3210 3100.

Kaine Barton
A/Registrar



NEW MEMBERS APPOINTED TO THE BOARD OF PROFESSIONAL ENGINEERS OF QUEENSLAND

Associate Professor Nagaratnam Sivakugan and Suzy Cairney have been announced as the new Board members.

Dr Sivakugan replaces Professor Simon Biggs as academic representative and Ms Cairney joins as legal representative following the departure of Adam Stoker.

James Cook University's Dr Sivakugan received his Bachelor's degree in Civil Engineering from University of Peradeniya, Sri Lanka, with First Class Honours, and MSCE and PhD from Purdue University, West Lafayette, USA. His writings include eight books, seven book chapters, 145 refereed international journal papers, 90 refereed international conference papers, and more than 100 consulting reports. His books are adopted as text in many universities world-wide.

Dr Sivakugan has supervised 15 PhDs to completion, including two Cum Laudes, and has examined 30 Australian and overseas PhDs. He is a registered professional engineer of Queensland; a chartered professional engineer; and a Fellow of Engineers Australia, and American Society of Civil Engineers. He does substantial consulting work for geotechnical and mining companies, and was a consultant to the World Bank. He is the Associate Editor for the International Journal of Geotechnical Engineering (UK) and International Journal of Geosynthetics and Ground Engineering, and serves in the editorial boards of Canadian

Geotechnical Journal and Indian Geotechnical Journal. He is an ARC Ozreader, and is a reviewer for more than 20 international journals.

Ms Cairney is a Partner in the Brisbane office of Holding Redlich. A projects and commercial lawyer with particular experience in project development and operational contracts in the ports, civil construction and resources sectors. She has experience both in Australia and overseas, and has advised government clients, principals, developers, contractors and operators on a wide range of major infrastructure projects.

Ms Cairney has previously worked in-house as a European Counsel for an international port operator in Belgium, as Corporate Counsel for a Queensland water government owned corporation and as in-house counsel to support the feasibility stage of a major new coal project for one of Australia's largest miners. Known for her practical common-sense approach and commerciality, Ms Cairney understands the drivers behind getting the deal done.

Dr Sivakugan and Ms Cairney have been appointed for a period of three years from 1 April 2018 to 31 March 2021.



Nagaratnam Sivakugan Suzy Cairney

Click [here](#) to meet the rest of the Board Members



CASE STUDY: QCAT REPRIMANDS RPEQ FOR INAPPROPRIATE PROFESSIONAL CONDUCT

The case involved screw pier slab systems for three houses. BPEQ had received a complaint from the Queensland Building and Construction Commission (QBCC), investigated the matter, and referred it to QCAT for a disciplinary proceeding. QCAT received expert evidence from two engineers.

QCAT found deficiencies in the design for all three slabs and in the construction certification for two of the slabs.

INADEQUATE DESIGN

The designs fell short of the relevant Australian Standard in several respects including slab stiffness, slab edge rebate and pier depth. The RPEQ certified the designs in Form 15s as compliant with the Standard despite these shortcomings. Also, there were insufficient specifications and details on the drawings. There were inconsistencies between drawings.

FAULTY CONSTRUCTION CERTIFICATION

There were also serious problems with the Form 16 inspection certificates signed by the RPEQ for two of the slabs. The RPEQ had not personally inspected the slabs. He relied on photos taken when construction had not been fully completed. He was therefore not in a position to certify that construction was in accordance with the design.

QCAT'S FINDINGS

QCAT found that the RPEQ had engaged in unsatisfactory professional conduct:

- conduct of a lesser standard than that which might reasonably be expected of a RPEQ by the public or professional peers;
- conduct demonstrating incompetence or a lack of adequate knowledge, skill, judgement or care in the practice of engineering; and
- misconduct in a professional respect.

Expert opinion was divided on whether the slabs were structurally sound, and QCAT was unable to make a finding on that issue. However, QCAT observed that this uncertainty would have been avoided had the designs adhered to the Australian Standard. QCAT emphasised that the inadequate design undermined confidence in the buildings.

This was significant because a core purpose of the PE Act is to maintain public confidence in the standard of engineering services.

PENALTIES

QCAT reprimanded the RPEQ and suspended their registration for 12 months. QCAT also imposed a fine of \$15,000 (to be paid to BPEQ) and ordered the RPEQ to pay \$25,000 to BPEQ for investigation and legal costs. QCAT ordered that the RPEQ must complete at least 50 hours of continuing professional development, focussing on residential construction and ethical conduct, before regaining registration.

QCAT considered that these penalties would serve as a deterrent. Further, the financial penalties would help to ensure that the cost of addressing misconduct would fall on the individual rather than on RPEQs generally through their registration fees.

LINKS WITH AN EARLIER PROSECUTION

The QCAT case has a link with an earlier prosecution brought by BPEQ in the Magistrates Court. The slab designs had been prepared by a design company. There was a commercial arrangement between that company (which did not have a RPEQ) and the RPEQ for sign-off of design and inspection certificates.

BPEQ prosecuted the director of the company for carrying out professional engineering services without being registered as a RPEQ. The director raised the defence of direct supervision, arguing that he did not have to be registered because he was directly supervised by the RPEQ. The Court was not satisfied that the defence was established. It found that there had been only a check and sign-off by the RPEQ of completed work. This did not amount to direction and oversight from the start of an engineering task as is required for direct supervision. The director was found guilty of the offence, fined and ordered to pay costs.

CONCLUSION

The vast majority of RPEQs carry out their work capably and responsibly. The QCAT case shows that the consequences for those who do not can be significant.

Further information about BPEQ policies and processes is available on the BPEQ website or by contacting BPEQ directly at legal@bpeq.qld.gov.au or calling 07 3210 3100.

While BPEQ staff will endeavour to provide assistance about processes and procedures, staff will not provide legal advice.



RENEWAL FAQS

MY RECEIPT IS NOT AVAILABLE, DID YOU GET MY PAYMENT?

Tax Receipts are available the day after BPEQ processes the payment. You can download and print out a Tax Receipt in **'My Account'** on BPEQ's website under the **'Receipts'** tab (see below). To download and print a Tax Receipt you will need to click the PDF converter button located on the top left-hand side of the document – this will be an Adobe image/button.

Transaction Date	Description
9/04/2014	Renewal Fees

I NEVER CREATED AN ONLINE ACCOUNT AND I DO NOT HAVE A LOGIN

When you were first registered as a RPEQ an online account was created for you. The username to access **'My Account'** is your RPEQ number. If you are unsure about your RPEQ number click **'forgot my username'** on the **'My Account'** sign in page (see below). An email will be sent to the address you have provided to BPEQ (make sure that you check your junk email folder). If you do not receive an email with your user name contact BPEQ. Another way to find out your RPEQ number is by searching your name on the public register of RPEQs.

I DO NOT HAVE A PASSWORD/FORGOT MY PASSWORD

If you are unsure about your password click **'forgot my password'** on the **'My Account'** sign in page (see alongside). When you click on this link it will ask you for your username – your RPEQ number. An email will be sent to the address you have provided to BPEQ (make sure that you check your junk email folder). The email will contain a link to create/change your password.

Username
Teresa_2017

Password
.....

Remember me

Sign In

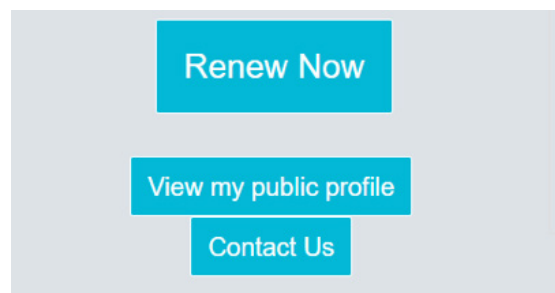
Forgot [my password](#) or [my username](#)

I HAVE LOCKED MYSELF OUT OF THE ONLINE SYSTEM

Please contact BPEQ directly on **07 3210 3100** to unlock your account. Make sure you have your RPEQ number ready. You will be locked out of **'My Account'** if you make three (3) incorrect attempts to sign in.

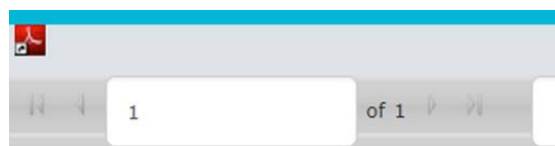
HOW DO I KNOW IF MY REGISTRATION RENEWAL FORM AND PAYMENT IS STILL DUE?

The **'Renew Now'** button will appear on your **'My Account'** profile page – meaning your Registration Renewal Form has not been answered and submitted (see alongside). If payment is still due a **'Tax Invoice'** and **'Direct Debit'** button is active – this is located on the left-hand side of the screen. If you do not see these buttons it means that your Registration Renewal Form and payment has been received.



HOW DO I PRINT MY TAX INVOICE/DIRECT DEBIT FORM/TAX RECEIPT?

To download and print these documents you will need to click the PDF converter button located on the top left-hand side of the document – this will be an Adobe image/button (see right).



RPEQS HAVE UNTIL 31 MAY 2018 TO RENEW THEIR REGISTRATION.

For more information on the renewal process read your Renewal Notice and the [Registration Renewal Guidelines](#).



INFRASTRUCTURE AUSTRALIA RELEASES LATEST INFRASTRUCTURE PRIORITY LIST

The latest Infrastructure Priority List features 96 strategic infrastructure proposals of national significance. Of these, six are listed as High Priority Projects, six are Priority Projects, 24 High Priority Initiatives, and 60 Priority Initiatives. The combined value of the projects and initiatives amounts to \$55 billion. Each of the listed projects and initiatives are based on more than 500 submissions from governments, stakeholder groups and the community.

High Priority and Priority Queensland projects on the list include the Beerburrum to Nambour Rail upgrade, progressed from initiative to priority project, the Brisbane Metro and the Inland Rail linking Brisbane to Melbourne. Queensland High Priority and Priority initiatives include Cross River Rail; Port of Brisbane freight rail connection; Ipswich Motorway upgrade – Rocklea to Darra; M1 Upgrade – Eight Mile Plains to Daisy Hill and Varsity Lakes to Tugan; Bruce Highway upgrades, Mount Isa to Townsville rail corridor upgrade; Gladstone Port upgrade and Lower Fitzroy River water infrastructure development.

The Infrastructure Priority List was developed to better determine Australia's infrastructure priorities and establish a consistent framework for assessing the economic, social and environmental benefits of potential infrastructure projects.

Click [here](#) to read the full list and project and initiative summaries.

UPCOMING CPD COURSES

IPWEAQ COURSES

Grants and Funding Workshop

Brisbane - 30 April
Rockhampton - 1 May
Mackay - 15 May

Managing Risks on Lower Order Roads

Cloncurry - 2 May
Mackay - 24 May

Queensland Urban Drainage

Manual Workshop

Mackay - 4 May
Rockhampton - 15 May
Bundaberg - 23 May

ENGINEERS AUSTRALIA COURSES

Financial Acumen for Engineers

Brisbane - 1–2 May

Water Metering and Remote Sensing

Online - 1 May

Energy Efficiency in Industry

Gladstone - 3 May

Systems Management of Assets in Power Operations

Brisbane - 16 May

**TO INCLUDE AN UPCOMING
CPD COURSE IN THE E-
NEWS CONTACT BPEQ'S
COMMUNICATIONS AND
MEDIA ADVISER.**

**7th Women in Engineering
Leadership Summit**

28 May - 1 June | Brisbane

BOARD OF
**PROFESSIONAL
ENGINEERS**
OF QUEENSLAND

10% Members Discount
Use Code **WIE0518A - Q2**



WELCOME TO OUR NEWEST RPEQS

BPEQ extends a warm welcome to the following engineers who became registered in the last month:

Emmanuel CINDRIC	Qing YANG	Sarah WEBSTER
Boro SEIZOV	Zixiong MENG	John VAN DER VYVER
Wesley HECKENDORF	Brett REID	Md Towfiqul ISLAM
Michael MALLI	Hans CHRISTIAN	Danial FITZGERALD
Leonard KNIGHT	Arnold WILLIAMS	Muhammad AKHTAR
David BLUCK	Mohammad	Gerard AHERN
Louis PIJPERS	DIALAMISHABANKAREH	Nicholas GRAY
Nijo VARGHESE	Derek EDWARDS	Kai Xiang WOON
Siqin HUANG	Daniele BLOISE	Farshid ABDI
Tony MYATT	Wanni WANIGASEKERA	Nader BERNABA
Daniel WALSH	John RUDDY	Md Joynal ABEDIN
Javad NAKHAEI	Scott WACKER	Frank MONSERRAT
Kimberley LAM	Derek BARTLEY	Che CALDWELL
Kimberley DAVIS	David JAMES	Dev RANDHAWA
Lachlan MacKENZIE	Steven DART	Christo CILLIERS
Lara DARK	Maxence BUGNOT	Venugopal SHENOY
Peter SROBA	Kathleen NOONAN	Gordon STALLEY
Vahid BHASKARAN	Yongjian WANG	Joshua OVERELL
Gary VOSS	Jing TANG	Liam FALK
Francisco LOPEZ GARCIA	Jayeshkumar SATANI	Martha ABAL
Yun Hang CHOK	Geoffrey SIMPSON	Yin Yu HO
Annamaria BUDAI-MARKOLT	Jarrod MOULTON	Jennifer CRISP
Demao YANG	Ibrahim ALI	Craig RILEY
Alex GUINANE	Isaac ISAKOVICH CASTILLO	Andrew FRIEND
Dawei WU	Norman UREN	Ayman SOLIMAN
Ivan LUBACHESSKI	Shayan BAYAN	Mohamed AHMED
Nicole BATCHLER	Ahmad NASSAR	T. Haur TAN
Mark HILBERT	Daniel WHITE	Julie MARTIN
Babak SHAFIEE	Nimisha UPADHAYAY	Gordon PETTIGREW
Matthew RILEY	Matthew STEWART	Fidelina BRACAMONTE
Dennis LOFFELL	Ben KRETSCHMANN	James STOCKWELL
Anzal MOHAMMED	Nadeem ABBAS	Kevin KAM
Eugene DU PLESSIS	Prakash SABAPATHY	Alan TURNER
Benjamin MIDDLETON	Darron IRWIN	Clive JARRETT
Mostafa ATARIAN	Elham NOBARANI	Susan CHAMBERLAIN
Michael FRANCIS	Farhoud FARSI	Peter HOOTSEN
Luke NAPIER	Mark HERRING	Suresh GHUGE
Stephen SAWYER	Xiaodong HUANG	Philip CHARLES
Greg BENTLEY	James SPADAFORA	Abrar AHMED



Matthew JOHNSON
Barry POMROY
Looqmaan ALI
Richard BILLET
Ian LA ROCHE
Tamer IBRAHIM FAHMY
Kym TAPSCOTT
Rawaha AHMED
Dengyong LOONG
Kathryn NOORDERMEER

Marcus SALONEN
Ashish SHAH
Alan KIRK
Hani SHAABAN
Jixin GAO
Christopher MASON
Mark AVERY
Renhao HUANG
Leon FRYLINCK
Madur CHAND

Anthony GOEBEL
Andrew THOMAS
Siobhan MAXWELL
George YU
Conor TE KLOOT
Seyedali Nejati
Simon SAM
Curtin DAVIDSON

CONNECT WITH BPEQ ON LINKEDIN



Don't forget BPEQ is on LinkedIn. To keep up to date with the latest news and events from BPEQ or to start a discussion on registration or engineering issues generally, click [FOLLOW](#).

T 07 3210 3100 E admin@bpeq.qld.gov.au

Level 15, 53 Albert Street Brisbane 4000
PO Box 15213 CITY EAST QLD 4002

This newsletter is provided for general information only. It is not legal advice and should not be taken or relied upon as such. If you have any questions or concerns about your compliance with the Professional Engineers Act 2002 (Qld) or your general legal obligations as an engineer, you should obtain appropriate legal advice. The Board accepts no legal responsibility or liability for any loss you may suffer as a result of reliance upon the information contained in this newsletter.