



NEWSLETTER

# ISSUE 15

## JUNE 2015

THIS ISSUE:

1. **A WORD FROM THE REGISTRAR**
2. **CHAIR MAKES ENGINEERS AUSTRALIA DEBUT**
3. **TOOWOOMBA: SOUTH EAST QUEENSLAND'S ENGINEERING HOT SPOT**
4. **CASE NOTES – BPEQ V L**
5. **DO YOU GIVE ENGINEERING ADVICE WITHOUT KNOWING IT?**
6. **MEET THE BOARD – MICHAEL DUFF**

---

## A WORD FROM THE REGISTRAR

The last month has been a testing time for the Board, along with the departure of long serving Registrar Clare Murray; we have also been managing the registration renewals of more than 11,000 RPEQs.

All staff at the Board deserves recognition for a job well done, but two staff members in particular did most of the heavy lifting during renewals, our Administration Officer, Teresa, and the Board's Senior Finance Officer, Deborah. I'm sure both Teresa and Deborah are looking forward to settling back into a more settled routine.

Better engagement with engineers has been a focus of the Board this year and late last month the Board partnered with Engineers Australia to host a seminar on the *Professional Engineers Act 2002* and Queensland's registration system. You'll be able to read all about the event in this edition of the e-news.

Also in the June edition of the e-news is a feature on engineering projects in the Toowoomba region, case notes on the submission of incorrect drawings and an article on backyard BBQ engineering advice and consequences.

We hope you find this e-newsletter interesting and informative and if you have any feedback or require assistance, please contact the Board on 07 3198 0000 or via [admin@bpeq.qld.gov.au](mailto:admin@bpeq.qld.gov.au).

**Gary Stirling**  
Acting Registrar



Dawson Wilkie addressing the audience.

## CHAIR MAKES ENGINEERS AUSTRALIA DEBUT

It was a full house at Brisbane City Hall as around 200 engineers turned out to hear from the Board's Chairman Dawson Wilkie. Your Obligations Under the Professional Engineers Act was organised by Engineers Australia as a members seminar, giving them the opportunity to learn more or reacquaint themselves with the legal requirements of carrying out an engineering service in Queensland.

The Chair discussed the key aspects of the Act and registration; the need to restrict the use of the title of 'engineer' to those who have studied and are professionally accredited as an engineer, something which is achieved by the RPEQ system; and the future direction for the Board.

Engineers Australia Queensland Division President Chris Warnock and General Manager Ian McEwan also presented at the seminar, both stressing the importance of industry regulation to uphold the standard of engineering and collaboration between the Board and Engineers Australia.

The Board plans to host further member events in partnership with the various professional organisations throughout the year. Contact the Board at [admin@bpeq.qld.gov.au](mailto:admin@bpeq.qld.gov.au) to arrange a presentation for your organisation.



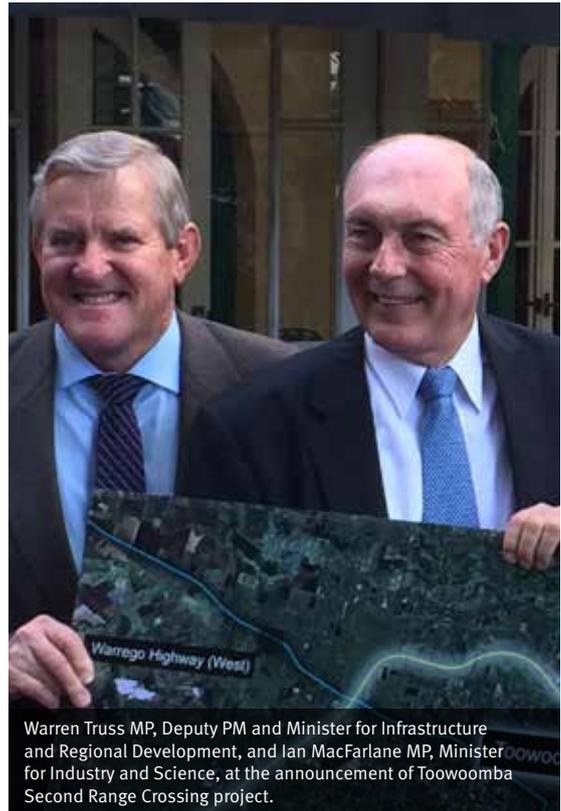
## TOOWOOMBA: SOUTH EAST QUEENSLAND'S ENGINEERING HOT SPOT

Toowoomba continues to stand out as a growth region for engineering and construction works with the recent completion of the Brisbane West Wellcamp Airport and the soon to commence Toowoomba Second Range Crossing.

Brisbane is a major business and holiday destination, and passenger volumes at Brisbane's domestic and international terminals are growing exponentially. Taking it upon themselves to help resolve issues stemming from the growth of airline and passenger traffic at Brisbane Airport, Wagners, one of Queensland's biggest engineering and construction firms, has funded and built Brisbane West Wellcamp Airport, Australia's first privately funded public airport.

Around 12 full time engineers plus several consultant engineers were involved in the \$200 million dollar project. QANTASlink and Regional Express have already commenced daily flights to and from Toowoomba and the airport is capable of receiving more flights and larger planes.

Close by, the Toowoomba Second Range Crossing has been given the go ahead with the Commonwealth contributing 80 per cent of the \$1.6 billion to fund the project, the largest single contribution to a Queensland road project since federation. According to the Queensland Government the project will be shovel ready by mid to late 2015, with proven and reliable contractors to be engaged in what is a very complex undertaking. More than 1,800 jobs are expected to be created over the three year construction period.



Warren Truss MP, Deputy PM and Minister for Infrastructure and Regional Development, and Ian MacFarlane MP, Minister for Industry and Science, at the announcement of Toowoomba Second Range Crossing project.



Construction underway at the West Brisbane Wellcamp Airport. Photo courtesy Tom Glasby.



## CASE NOTE - BPEQ V L

### ENGINEER REPRIMANDED FOR SUBMITTING INCORRECT CONSTRUCTION DRAWINGS AND FALSE CERTIFICATION

A civil engineer submitted engineering drawings to a council that did not reflect the actual construction work completed on a project and sent a false certification to the council in support of the drawings.

The engineer\* was a registered professional engineer of long experience in the profession. The engineer undertook work on a land subdivision project, preparing the design drawings for the project following discussions with the local council. The drawings were approved for construction by the council with some conditions. A civil contractor subsequently commenced construction in a manner that did not comply with the engineer's design and the conditions imposed by the council. The engineer correctly directed that the work cease because it was not consistent with the approved design. However, the engineer then made a request to the council to accept the works and sent "as-constructed" drawings to the council, which were, in fact, merely a copy of the original approved design drawings and not "as-constructed" drawings at all. The engineer had not made any amendments to reflect the changes to the design. The engineer also sent the council a construction certificate that falsely stated the work was constructed in accordance with the drawings.

In the proceeding, the engineer admitted that in preparing the original designs insufficient care was taken to ensure that the designs could be constructed in accordance with the conditions imposed by the council. The engineer also admitted awareness that the drawings prepared and marked "as-constructed" and submitted to the council did not represent what had actually been constructed.

The Tribunal found that in submitting the "as-constructed" drawings with the false certification, the engineer was hoping that the inadequacy in the construction would be overlooked or disregarded

by the council, and that to act in this way was conduct falling below the expected standards of the public and amongst the profession. As such, the Tribunal was satisfied that the engineer's actions in preparing and submitting the false drawings and certification to the council constituted unsatisfactory professional conduct and therefore gave rise to a disciplinary ground.

The Tribunal took into account a number of factors in favour of the engineer, including that no actual loss or damage was suffered as a consequence of the engineer's actions, that the engineer acted responsibly in directing that work cease once he became aware that construction of the work had not been undertaken in accordance with the original design, that the proceeding was the first instance of such conduct over the engineer's long professional career, that the references provided by the engineer as an indication of good standing within the profession, and that the engineer has already been caused shame and embarrassment by these proceedings. Although the Tribunal accepted that the engineer had made admissions about the inappropriateness of his conduct and had expressed genuine remorse, it considered that the deterrence of such conduct by others was also relevant consideration.

Taking the above factors into consideration, the Tribunal reprimanded the engineer and imposed a penalty of \$3,000.00 to the Board. The Tribunal also ordered the engineer to pay the Board's costs incurred in the proceedings.

*\*The engineer in question has been de-identified so as to protect the engineer's privacy.*

*The Board is committed to assisting RPEQs to maintain high standards of professional conduct and competence and maintaining public confidence in the standard of services provided by RPEQs. To this end, the Board releases notes about decided disciplinary cases and prosecutions in its monthly e-newsletters to provide practical examples and guidance.*



## DO YOU GIVE ENGINEERING ADVICE WITHOUT KNOWING IT?

When can a casual chat turn into engineering advice? Being asked for informal engineering advice and opinions is likely a common occurrence for many engineers. While there is nothing wrong with engineers providing informal engineering information, discussing engineering problems with friends, or providing advice on a pro bono basis, there are obvious dangers about a casual remark being taken as a thoroughly researched and considered opinion. If someone followed such remarks or statements and suffers loss or damage, it may become a professional conduct issue. Giving informal engineering advice or opinion can create all sorts of issues, so here are some suggestions about how to manage requests and avoid any problems.

### WHEN DOES A CASUAL CHAT TURN INTO ENGINEERING ADVICE?

The short answer is that any statement you make as a professional engineer can constitute a “professional engineering service”, and is therefore bound by the Act and the Code of Conduct. Although the fact that engineering advice was given in an informal situation such as a pub would be relevant in deciding whether the substance of the discussion was sufficient to satisfy the definition, the informality alone would not necessarily preclude this. Particularly relevant to this is the interpretation of what a “service” is. A service is not restricted to describing work carried out by an engineer for a client in a traditional engineer/client relationship. As explained in Board Practice Note 4.4, the term “service” simply connotes some accommodation and assistance being given by one person to another. A service can be provided by an employee for an employer, and it is therefore conceivable that a casual chat could be a service. Remember, consideration (usually money) is not necessarily required to be exchanged for something to be considered a service, so informal or free advice certainly could be providing a professional engineering service. With reference to the remainder of the definition, it is clear that to be a professional engineering service, engineering principles and data must be applied, or required to be applied, to some sort of design, construction, operation, and maintenance activity. The key here is the phrase “application of engineering principles and data.” There is a big difference between providing information about the engineering principles and data and applying engineering principles and data

to, for example, a design. The former will usually be considered simply providing information. The latter is likely to be a professional engineering service—which you probably only want to provide to your actual paying clients or employer.

### COMMONLY ENCOUNTERED SITUATIONS

#### *“Backyard BBQ” advice*

The first and likely most common scenario engineers will encounter is the classic “a friend asks about an engineering problem over a beer and you give a casual answer they rely on”. The risk-free course is, naturally, to decline to comment. Some engineers prefer to keep it simple and take the position that engineering advice starts and stops at their office, and the person should “call on Monday”. Part of the reason is that many engineers do not enjoy dealing with such queries at social events. However, the driving reason for being cautious about such advice is the potential for damage, injury or poor implementation of the advice. Based on a conversation on a Saturday afternoon over a few beers, how can you possibly get enough information to give accurate engineering advice? The safest option may well be to explain that engineering is complex and highly situational and that you couldn’t possibly advise them based on the information they are able to give you, and encourage the person to either come and see you in a professional capacity or to engage another engineer. If you do choose to enter into the discussion in more detail, you should avoid discussing the application of engineering principles and data and stick to giving general information about principles and standards. There is a big

*Continued on page 6*



*Do you give engineering advice without knowing it? Continued from page 5*

difference between saying “The applicable standard for designing \_\_\_\_\_ is likely to be \_\_\_\_\_, but give me a call at the office to discuss further” and “oh no, you need to apply section \_\_\_\_\_ of standard \_\_\_\_\_ and this is how you do it.”

#### *Giving advice online*

The advent of social media and the increasingly competitive engineering market has resulted in many engineers having an online presence, allowing customers to question them more easily. The danger is that you might well be sitting in your office with access to all of your standards and much more information than had the person approached you at

a social function. So giving some advice might be no big deal, right? Wrong. You have no way to determine whether the person you are advising is giving you all of the information, or even the correct information. Your standard response should be: contact a local engineer. You could provide some background on the potentially applicable engineering principles and standard, but you should never say “in your situation you should do this.” Remember, ending your response with “that’s what I think” or words to that effect is not going to mean what you say cannot be a professional engineering service. What you “think” can easily be interpreted as advice—and it can be relied on as advice.

## MEET THE BOARD – MICHAEL DUFF



Michael joined the Board as a community representative in July 2013. With his long involvement in community organisations in both regional and metropolitan Queensland,

Michael has been the perfect fit for the role of community representative.

He brings an extensive knowledge of government to Board with more than 15 years of public service experience behind him, including time as a shire councillor in a regional local government and also working in State and Federal government.

Michael currently works for civil construction firm BMD looking after Business Development for Queensland and the Northern Territory. Prior to this he worked for engineering consultancy GHD and civil construction industry advocates, the Civil Contractors Federation. Michael has a background in business management and has been a Director in a family agribusiness company for more than 20 years.

As the community representative he sees his role as representing the largest stakeholder group for engineering, the general public.

T 07 3198 0000 E [admin@bpeq.qld.gov.au](mailto: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.*