



NEWSLETTER

# ISSUE 20

## NOVEMBER 2015

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## A WORD FROM THE REGISTRAR

With Christmas just around the corner and this being the final e-news for 2015 let me start by wishing you the very best for the festive period.

At this time of year it's also worthwhile to reflect on some of the major highlights throughout the year.

There are now more than 11,000 RPEQs registered by BPEQ and on average 100 new RPEQs join every month. This is a significant milestone considering just a few years ago there were no more than 5,000 RPEQs. The job is not complete and the next goal for BPEQ is to reach 12,000 RPEQs.

As an organisation we have been far more active this year in promoting registration and connecting with our stakeholders – current RPEQs, non-RPEQs, engineering companies, professional organisations, government, universities and engineering students. This engagement has taken us to places like Emerald, Roma and Kalgoorlie, meeting engineers and other professionals from diverse fields.

BPEQ is also proud to be supporting new events and initiatives for our RPEQs and the wider profession. This month I will be attending ConstructionQ with Chairman Dawson Wilkie; later BPEQ will sponsor a networking dinner for women in engineering and in early 2016 host a continuing professional development seminar for current RPEQs.

Another important development is the appointment of the new Registrar, Kylie Mercer. Kylie will officially join BPEQ next month, so this will be my final e-news as Acting Registrar. It's been a privilege working in this role for the past few months and I thank you all for your support.

I hope you enjoy the November e-news, and on behalf of the Board and all the staff at BPEQ Merry Christmas and Happy New Year.

**Gary Stirling**  
Acting Registrar



## KYLIE MERCER NAMED NEW BPEQ REGISTRAR

After an exhaustive search the Board has appointed Kylie Mercer as the new Registrar.

Kylie will take up her position next month and brings a wealth of experience from her previous role at the Queensland College of Teachers, which like BPEQ is responsible for professional registration.

Kylie was with the Queensland Teachers College for nine years as Executive Manager Disciplines and Appeals. This followed periods with Workplace Health and Safety Queensland and Legal Aid Queensland.

The Queensland Teachers College is a statutory body that was established in 2006. Along with teacher registration it manages professional conduct, teacher education, professional standards, policy and research and excellence in teaching awards.

## BPEQ ON THE ROAD

It has been a busy few weeks for BPEQ attending and presenting at conferences and seminars in Brisbane, the Gold Coast, Roma and Melbourne.

The Institute of Structural Engineers and the Australian Institute of Refrigeration, Air Conditioning and Heating both hosted member seminars with BPEQ representatives for the first time, while final year Griffith University engineering students received a guest lecture on the Professional Engineers Act and registration from the Acting Registrar.

Representatives from BPEQ then travelled to Roma, a major centre for the coal seam gas sector in Queensland, to meet with engineers from the Department of Transport and Main Roads and present at the 2014 Brandon and Associates Symposium. The symposium is an annual event organised by Brandon and Associates for engineers in the Roma, Chinchilla and Toowoomba areas to share experiences, hear from

industry professionals and develop new skills and knowledge.

BPEQ was a first time sponsor and participant at the International Mining and Resources Conference (IMARC). IMARC attracts mining engineers from right around Australia and overseas. With mining and resources being one of Queensland's major industries it is important engineers working in the sector understand their legal obligations and the need for registration. IMARC also provided several current RPEQs with an opportunity to offer their feedback and ask questions about the Act and registration.

**If you want to arrange a presentation contact BPEQ via [admin@bpeq.qld.gov.au](mailto:admin@bpeq.qld.gov.au) or on (07) 3198 0000.**



Acting Registrar Gary Stirling presenting at IMARC 2015



## CASE NOTES

### UNREGISTERED ENGINEER BARRED FROM RECOVERING FEES UNDER BUILDING AND CONSTRUCTION INDUSTRY PAYMENTS ACT FOR PROFESSIONAL ENGINEERING SERVICES

The recent Supreme Court of Queensland decision of *Agripower Australia Ltd v Queensland Engineering & Electrical Pty Ltd and Ors* [2015] QSC 268 considered the ability of a party that provided professional engineering services through an unregistered person not under the direct supervision of an RPEQ to recover money for the work through an adjudication under the Building and Construction Industry Payments Act 2004 (Qld) (BCIPA).

Queensland Engineering & Electrical Pty Ltd (QEE) contracted with Agripower Australia Ltd (Agripower) to design services for:

- the supply, installation, and commission of a level switch on a “DE Powder Hopper”;
- the installation of conveyors in a granulation plant;
- the automation of a valve on the bottom of an existing silo for undersized material;
- the preparation of conduit drawings for a switch room;
- the preliminary electrical design portion of the works for a new granulation plant, involving auditing a number of second-hand switchboards to be used in the project;
- drawings for the location of conduits for a switch room for the plant;
- conduit drawings and proposed switchboard audit; and
- programming of a programmable logic controller and Numan machine interface for the granulation.

After Agripower refused to pay QEE for some of the services, QEE successfully applied for adjudication under BCIPA for money owing for the services. Agripower appealed for the adjudication decision to be set aside as void, because, in part, QEE had provided professional engineering services through an unregistered person not under the direct supervision of an RPEQ in breach of s 115(1) of the Professional Engineers Act, making the contract illegal and unenforceable. In response, QEE maintained that the services were provided only in accordance with prescriptive standards, including AS3000 and AS3008.

The Court found the following examples of services performed that were professional engineering services and not provided in accordance with any prescriptive standard, including AS3000 and AS3008:

- shielded rather than unshielded cables were specified for the second-hand switchboards;

- design drawings specifying the location of conduits in a switch room to be installed to allow for a future connection to a transformer;
- design for the reassembly of the second-hand switchboards to make them suitable for use in the switch room, including replacement of 110 wiring with 12 volt DC wiring;
- the electrical design included the installation of a programmable logic controller stop button which controlled part of the switchboard;
- a level switch was installed mounted in a powder hopper with significant changes to the code of the programmable logic controller;
- the design for the installation for two new conveyors for the granulation plant conveyor works included the power and control cables required for the conveyors; and
- the design of the undersized hopper automation works included the automation of a valve on the bottom of an existing silo for undersized material that included a junction box, a level switch, a solenoid, and align or back change indicator.

The Court found it was clear that these aspects could not be related directly to a prescriptive standard and may have required advanced scientifically based calculations.

The Court declared that part of QEE’s contract with Agripower was illegal. It set aside the adjudication decision and QEE was unable to recover any money for its services.

The decision supports the Board’s position about the benefits of registration. If you are registered, you will never be at risk of this happening to you. If QEE’s employee who carried out the services had been registered, it would have been able to recover the money it was owed. The cost and effort to achieve and maintain registration of an employee would have been far less than the financial and productivity losses QEE likely suffered in its failed recovery process.

**The full report of the case is available [here](#).**

**For more information:**

- **For legal enquiries: (07) 3198 0006**
- **For media enquiries: (07) 3198 0004**
- **For registration enquiries: (07) 3198 0000**



## INTRODUCING WAYNE GIBSON RPEQ CHAMPION

Experienced RPEQ Wayne Gibson has signed on to become an RPEQ Champion. In his voluntary role Wayne will act as a field contact for engineers in Emerald interested in getting registered.

Wayne is a mining engineer who first became registered in 2010. As the Manager of the Technical Services team at Rio Tinto's Kestrel Mine, Wayne is responsible for mine planning; strata control practices and survey control.

**Are you proud to be an RPEQ? Contact BPEQ via [admin@bpeq.qld.gov.au](mailto:admin@bpeq.qld.gov.au) or on (07) 3198 0000 to become an RPEQ Champion and help guide up and coming engineers.**

## MEET THE BOARD – ADAM STOKER

Adam Stoker was appointed to the Board in January 2015. Adam is an experienced solicitor who has worked in Australia, Asia, the United Kingdom and the United States throughout his 13 year career.

As in-house counsel with one of Australia's biggest mining and resources companies Adam has an excellent understanding of the sector, he is also well regarded for his extensive experience in governance, project construction and delivery in commercial areas of practice. An honours graduate from the Sydney University of Technology Adam also holds a Master of Taxation and a bachelor's degree in medical science.





## NOTICE OF ELECTION AND CALL FOR NOMINATIONS FOR RPEQ BOARD REPRESENTATIVE

A ballot for the election of an RPEQ for appointment as a member of the Board of Professional Engineers of Queensland will be held on 14 March, 2016.

Julie Mitchell is the current Board RPEQ representative having been elected in 2013. As per the Act the elected member may only serve a maximum three year term.

All current RPEQs are invited to nominate as a candidate for election. As an elected Board member the RPEQ is expected to represent the interests of their fellow RPEQs. Nominations close 29 January, 2016.

Please assist BPEQ by ensuring your contacts details, particularly email, are up to date.

**For nomination forms or for any queries about the voting process please contact the Registrar via email at [admin@bpeq.qld.gov.au](mailto:admin@bpeq.qld.gov.au) or on (07) 3198 0000.**

## TRANSITIONING FROM TECHNICAL SPECIALIST TO PEOPLE MANAGER – CPD SEMINAR

There are just 20 places left in the upcoming CPD seminar, *Transitioning from Technical Specialist to People Manager*.

The planned half day seminar lead by Dr Terry Fitzsimmons explores the challenges of moving beyond the professional/technical role into the role of manager and/or leader.

Attendees are invited stay after the seminar to enjoy some light refreshments and meet BPEQ staff.

**Date** Friday, 26 February, 2016  
**Time** 8:00am – 12:00pm  
**Venue** Brisbane (specific location TBC)  
**Cost** \$10.00  
**Contact** [admin@bpeq.qld.gov.au](mailto:admin@bpeq.qld.gov.au)

## 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](#).

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