



COMPLAINTS AGAINST REGISTERED PROFESSIONAL ENGINEER (INFORMATION SHEET)

Section 37 – *Professional Engineers Act 2002 (Act)*

Approved 23 July 2021

Version 1 (July 2021)

The following should be read carefully before completing Form 6 – Complaint

The Board of Professional Engineers of Queensland (**Board**) is charged with regulating the engineering profession in Queensland under the *Professional Engineers Act 2002*.

The Board is responsible for protecting the public by ensuring professional engineering services are provided by registered professional engineers of Queensland (**RPEQs**) in a professional and competent way.

SECTION A: WHAT CAN / CAN'T THE BOARD DO?

The complaints process provides a mechanism to bring to the Board's attention any conduct by a RPEQ which may give rise to a ground for disciplining that RPEQ. Information provided with a complaint may also lead to prosecution of offences against the Act by unregistered persons.

If you are aggrieved by the conduct of a RPEQ's conduct in carrying out professional engineering services, you may make a complaint to the Board.

If you would like to draw the Board's attention to the conduct of an unregistered person which may give rise to an offence against the Act, then you may send relevant information to the Board.

The Board has power to investigate the conduct of a RPEQ the subject of a complaint. Where appropriate, investigation may lead to a disciplinary sanction (caution, reprimand etc), a disciplinary proceeding, prosecution or deregistration.

PLEASE NOTE

The Board does not have jurisdiction to resolve private contractual disputes and the Board has no power to order rectification, restitution or compensation.

If your complaint involves a contractual dispute or you are seeking rectification, restitution or compensation, then other agencies may be able to assist including:

- Queensland Building and Construction Commission (www.qbcc.qld.gov.au)
- Housing Industry Association (www.hia.com.au)
- Queensland Civil and Administrative Tribunal (<http://www.qcat.qld.gov.au>)
- Queensland Master Builders Association (www.masterbuilders.asn.au)
- Dispute Resolution Centre in the Department of Justice and Attorney-General (www.justice.qld.gov.au/mediation/).

The Board cannot investigate a complaint that falls outside its statutory jurisdiction. That jurisdiction excludes the investigation of conduct involved in the provision of services that are not professional engineering services (unless that conduct involves a contravention of the Act). For what constitutes a professional engineering service, please refer to Board Practice Note 4.3(2A).



SECTION B: WHAT CAN I EXPECT?

Complaints regarding conduct of RPEQs should be lodged with the Board by way of the approved Form 6 – Complaint (Complaint Form). The Complaint Form is available from the Registrar or can be downloaded from the Board’s website. This information sheet provides guidance on completing the Complaint Form. Should you require further assistance please contact the Board.

The Board will consider your complaint and will assess whether any additional material is required from you. It may also invite a submission from the RPEQ the subject of the complaint. The Board may provide that RPEQ with a copy of your complaint. By lodging the complaint, you consent to the Board doing so.

Upon consideration of all material, the Board (by its power delegated to the Registrar) will make a decision whether or not to investigate the conduct the subject of the complaint. The power is discretionary and not all complaints will be investigated.

If the Board does decide to investigate, it may do so itself (by its staff) or it may authorise another person (usually a professional investigator or independent RPEQ) to investigate. Investigations take time because of the technical nature of the matters the subject of investigation.

The purpose of an investigation is to establish whether there may be grounds for professionally disciplining the RPEQ. At the conclusion of an investigation, the Board will consider the investigator’s report and determine whether to do one or more of the following:

- commence disciplinary proceedings or a prosecution
- enter into an undertaking with the RPEQ or unregistered person regarding their conduct
- impose a condition on the RPEQ’s registration
- caution or reprimand the RPEQ
- take no further action.

The Board will endeavor to keep you informed of the progress of your complaint.

SECTION C: COMPLETING THE FORM

Section 1 – Complainant Details

We need your current details (as complainant) in order to:

- keep you advised of the progress of the complaint
- contact you directly should we require further information
- ensure all correspondence is delivered to the correct person.

Please refer to the full terms of the Privacy Statement on the Complaint Form.

If you want your personal details withheld from the RPEQ complained of, please notify the Board of same in the course of making your complaint. The Board can remove your personal details (name, contact details, address etc.) from the copy of the complaint provided to the respondent RPEQ, but the Board cannot de-identify the complaint nor can it guarantee anonymity. Most complainants are identifiable by reason of the nature and content of the complaint and supporting documents. That should be kept in mind if anonymity is important to you.

Section 2 – Engineer Details

Detailed information about the RPEQ’s identity will ensure we can identify the correct RPEQ. Where you have engaged a building contractor who has relied on information provided by a RPEQ, we will require details of the RPEQ, not the building contractor.



Section 3 – Complaint Details

It is important that you provide us with full details of the relevant conduct of the RPEQ you are complaining about, including the area of engineering to which your complaint relates.

The Board must have sufficient information to consider whether to investigate and, ultimately, whether grounds exist for disciplining the RPEQ. A common ground for disciplining RPEQs is unsatisfactory professional conduct which includes:

- conduct that is of a lesser standard than that which might reasonably be expected of a RPEQ by the public or the RPEQ’s professional peers
- conduct that demonstrates incompetence or a lack of adequate knowledge, skill, judgement, or care in the practice of engineering
- misconduct in a professional respect
- fraudulent or dishonest behavior in the practice of engineering
- other improper or unethical conduct.

You should include all relevant details of your complaint; please provide responses to all headings outlined in Section 3. The timeframe within which your complaint is dealt with may be expedited by the provision of clear and concise information.

As noted above, the Board’s complaint process is not a forum to resolve contractual disputes and it has no power to order rectification, restitution or compensation. It is a professional regulatory body only.

Section 4 – Supporting Evidence

Please provide copies of any supporting documents. Please list all supporting documents in Section 4 for ease of identification by the Board. Supporting documents may include copies of any contract or project brief, relevant correspondence, reports or other documentation. If in doubt, contact the Board.

PLEASE NOTE

Do not bind or staple any documents submitted as they will need to be copied upon receipt by the Board. Complaints must be received by post or email.

Section 5 – Declaration by Complainant/s

This section provides for a formal signature and date to confirm the information you have provided is correct, and also confirms that you understand that the information in the complaint may be made available to other parties.

SECTION D: WHAT’S NEXT?

The completed Complaint Form and supporting documentation should be lodged with the Board at:

The Registrar

Board of Professional Engineers of Queensland
PO Box 15213
CITY EAST QLD 4002

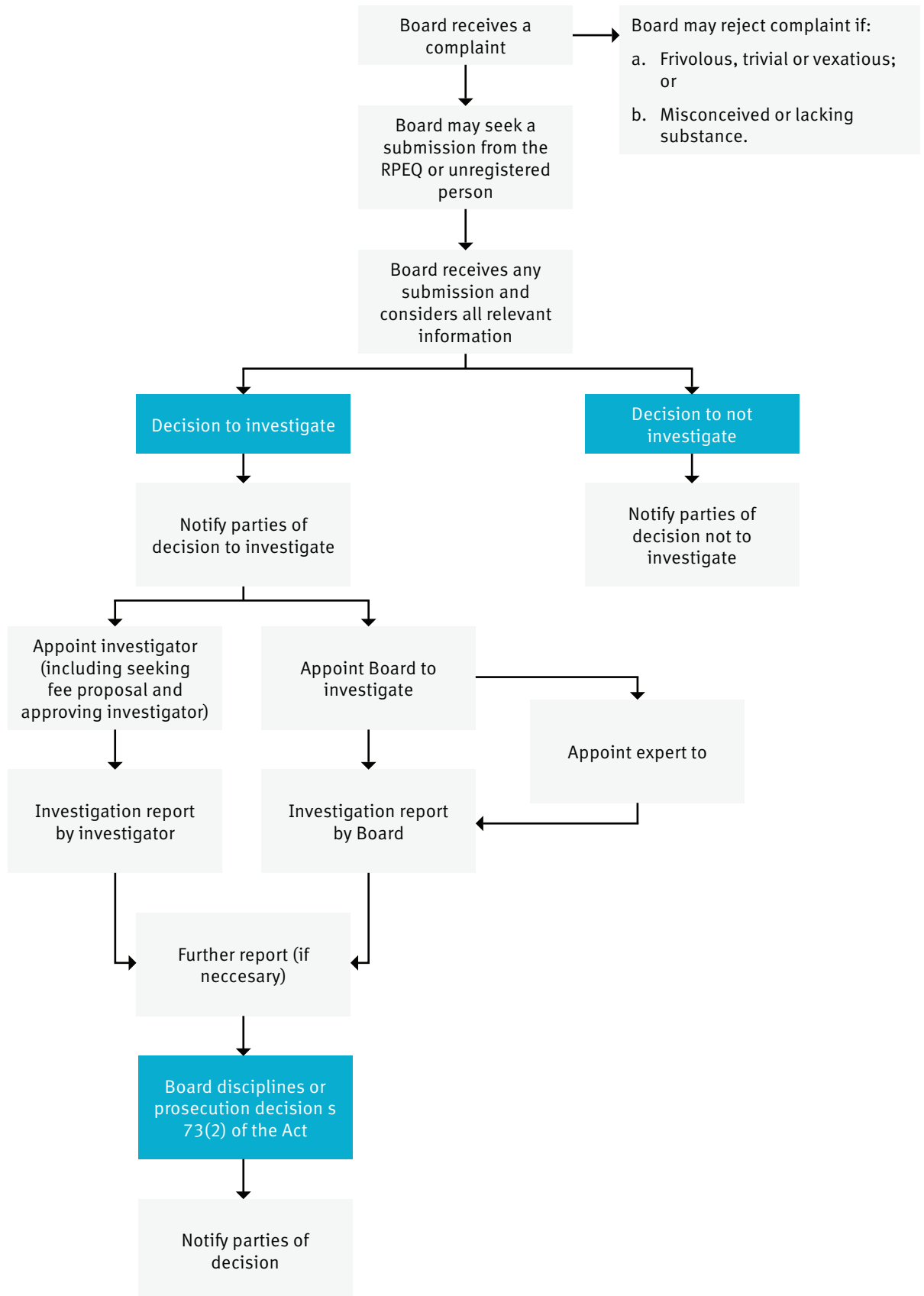
or

Email

legal@bpeq.qld.gov.au

The Board will acknowledge receipt of your complaint within 3 business days and your documentation may be provided to the respondent RPEQ so that he or she may make a submission upon the complaint, should he or she wish to do so.

The general complaint process is outlined on the following page.



Disclaimer: This information sheet has been approved by the Board of Professional Engineers of Queensland for publication on 23 July 2021. It is to be used for information only and should not be relied upon or used for any other purpose.