

Engineering in Queensland – registration required

by Michael Bevan

The Professional Engineers Act 2002 (Queensland), and superseded legislation, which requires professional engineers working in Queensland to be registered by the Board of Professional Engineers Queensland, has been in place since 1930. However, there still seems to be confusion among some engineers as to how the legislation applies and whether they need to be Registered Professional Engineers of Queensland (RPEQs).

Essentially, if you are providing a professional engineering service in Queensland, you must be registered, no matter whether you live and work in the state or elsewhere.

The stated object of the Act is to protect the public by ensuring professional engineering services are provided by RPEQs in a professional and competent way. The Act is also in place to maintain public confidence in the standard of service provided by RPEQs and to uphold those standards of practice. The Act achieves its objective through a statutory board, which registers RPEQs and enforces compliance with the Act.

If you provide an engineering service that requires, or is based on, the application of engineering principles and data to a design, or a construction or production activity, relating to engineering, this Act may apply to you if you work in Queensland or if your client is based in Queensland. The Act covers engineering design and construction supervision activities as well as engineering input to manufacturing and production installations such as oil refineries and chemical plants.

The Act binds all persons, including the Queensland government. It also may apply to Defence engineers, except members of the Defence Force (as defined in S4, Defence Act 1903 Cwth), who work in Queensland or who do engineering designs elsewhere that lead to construction, installations or other engineering services in Queensland. Similarly, academics and CSIRO engineering staff probably need to be registered if they are offering professional engineering services in Queensland.

It is an offence under the Act to provide an engineering service if you are not registered by the Board of Professional En-

gineers Queensland. If you provide a professional engineering service while you are not registered, the Board can prosecute you. The Board will prosecute you, not your employer. Applying for registration after you have committed an offence is too late and will not avoid prosecution.

There are two scenarios under which the Act will not apply to you.

If your engineering service is provided only in accordance with a prescriptive standard, it is not included in the definition of a professional engineering service. The term "prescriptive standard" is defined in the Act as a document that states procedures or criteria for an engineering service which do not require advanced scientifically based calculations. The Wiring Rules and Timber Framing Code are given as examples of prescriptive standards.

In the second scenario, the Act will not apply to you if you work under the direct supervision of a RPEQ. The definition of what supervision means is left to the Code of Practice, which states that the RPEQ, in the role of the supervisor, must:

- have sufficient knowledge of the professional engineering services carried out
- have sufficient control over any outputs of the professional engineering services to reasonably form the view that the standard of the professional engineering services is that to be expected of a registered professional engineer
- take full professional responsibility for the professional engineering services provided by the supervised person.

If your supervisor is not fulfilling all three conditions, you may be committing an offence under the Act.



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The second scenario, especially the required control over outputs, points to another pitfall engineers in Queensland face. An RPEQ is registered in an area of engineering, such as electrical, civil and so on. Since the 2008 amendments to the Act, areas of engineering have been defined through approved assessment schemes, such as Engineers Australia's Approved Assessment Scheme. In our case we use the same areas that we have on the National Professional Engineers Register (NPER). These areas are also defined in the Assessment Scheme. A person registered in one area may not provide an engineering service in a second area of engineering unless registered in the second area or supervised by an RPEQ who is registered in the second area.

It is obvious there can be a certain dilemma when an engineer is working at the boundary between areas, for example a civil engineer providing structural engineering advice. Strictly, the engineer should be registered in both areas. This would not apply to a mechanical engineer specifying electrical work to the Wiring Rules, as that is not regarded as a professional engineering service. Nor would it apply to a civil engineer using the Timber Framing Code.

The Board has also issued a Practice Note advising RPEQs who were registered prior to July 2008 that, provided the type of their engineering service has not changed, they do not need to register in a new area of engineering, even though a more appropriate area may have become available under the revised assessment arrangements. This is seen as applying particularly to civil engineers who practise as structural engineers, since there was no area of engineering for structural engineers prior to July 2008. ■

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