

Board of Professional Engineers of Queensland v E

This case was a prosecution by the Board of Professional Engineers of Queensland (“**Board**”) against **E** (deidentified) in the Magistrates Court of Queensland (“**Court**”).

Charges

The charges against E were 21 instances of using the title “RPEQ” when not a registered professional engineer. E pleaded guilty to these 21 charges and not guilty to nine charges of allowing E to be presented to a third party as a registered professional engineer when not registered as a registered professional engineer.

E’s Background

This case was a prosecution by the Board of Professional Engineers of Queensland (“**Board**”) against E in the Magistrates Court in

E had not been a registered professional engineer under the *Professional Engineers Act 2002* (Qld) since 2005. E’s re-registration was refused in 2005 due to concerns regarding honesty. E had issued false payment certificates, and this had ultimately led to E becoming bankrupt.

Despite being unregistered, E continued to work for developers in North Queensland area. Between E worked for a developer in relation to a project being undertaken at nine locations in North Queensland, and allowed E to be represented as a registered professional engineer to third parties during this time. This is an offence under the PE Act.

Conduct of E

The developer that E worked for during this period entered into a contract with a utilities provider for works at the nine locations across North Queensland. The provider required that certain documentation be provided to it by the developer’s registered professional engineer.

The provider further required the developer to retain a registered professional engineer to attend the “pre-start” meeting where necessary and to complete certificates of completion and acceptance.

The developer retained E to perform this work and undertake these responsibilities for the project.

E admitted all the charges against E which related to E using the title “RPEQ.” The conduct considered at the hearing was therefore most relevant to the charges which allege E allowed E to be held out as a registered professional engineer. In this regard, E admitted that at all times E was aware that the provider required the developer to retain a registered professional engineer to attend pre-start meetings and to complete certificates of completion and acceptance.

E was represented on documentation as the developer’s registered professional engineer. E recorded E’s old registration number on certificates of acceptance for the nine locations across North Queensland. During this time E also issued the certificate of completion for each of the nine locations, signing as the developer’s registered professional engineer and again recording E’s old registration number.

When questioned via email whether E was a registered professional engineer, E made a false statement. E stated that E had applied to the Board and was of the understanding that E’s registration was to be accepted at that time. E had not applied for re-registration.

What the Court Said

Each of these witnesses from the provider informed the Court that they had assumed E was a registered professional engineer by virtue of:

1. E signing the certificates of completion as a registered professional engineer together with quoting a registration number;
2. E signing the certificates of acceptance as a registered professional engineer together with quoting a registration number;
3. E emailed correspondence encouraging the view that E was a registered professional engineer; and
4. E's attendance at pre-start site meetings.

Evidence before the Court indicated that E allowed E to be held out as a registered professional engineer to each witness, and tried to conceal that E was not a registered professional engineer through E's email correspondence.

No evidence could be produced to show that E took any positive steps during the course of E's professional engagement to either properly inform or even intimate that E was not a registered professional engineer. E instead allowed the provider to continue working with E in the belief that E was a registered professional engineer.

The Court found that E allowed E to be represented to the provider as a registered professional engineer, due to E's signing as the registered professional engineer with E's old registration number on both the certificates of acceptance and certificates of completion.

The Court was satisfied that E had knowledge of the fact that E was being represented as a registered professional engineer, and took no positive steps at any time to advise that E was not a registered professional engineer.

As such, the Court found that each element of the offence for the nine contested complaints against E could be established, and found E guilty.

The other 21 complaints of using the title "RPEQ" when not registered were all made out by the admission of guilt by E.

Consequences for E

E was sentenced for the nine charges of allowing E to be held out as a registered professional engineer, in addition to the 21 further breaches of the Act for using the title of "RPEQ" when not registered as a registered professional engineer.

The Court found that these 30 charges represented a considerable number of offences, and a flagrant disregard for the system of registration.

With this in mind the Court imposed one global penalty. A conviction was recorded.

The Court also ordered that E pay the Board's costs, including its costs of investigation.