



# BOARD DISCIPLINES UNREGISTERED ENGINEER

## RESPONDENT

The engineer (**E**) had more than 15 years' experience as a civil engineer; E had previously been registered with the Board of Professional Engineers of Queensland (**Board**) as a Registered Professional Engineer of Queensland (**RPEQ**) but had allowed their registration to lapse.

## BACKGROUND OF NOTIFICATION

In January 2019, the Board received by way of a notification, information that E, whilst working for an engineering firm, had performed professional engineering services in Queensland whilst not holding current registration as a RPEQ.

## CONDUCT OF E

E approved approximately 20 drawings in July 2018 relating to a development proposal in Queensland; these drawings were signed by E and displayed the title 'RPEQ' and included their registration number.

The drawings signed by E were then submitted to a Queensland department as part of an approval process. In carrying out due diligence, the department checked the Board's register of Professional Engineers and could not locate E as holding a current registration. E's registration had lapsed on 30 June 2018 and had not been restored at the time the Board received the notification.

The department contacted the engineering firm to advise that the plans could not be approved until they had been signed by a RPEQ holding current registration with the Board.

The engineering firm notified E of the issue; upon receiving this information, E promptly applied to the Board for his registration to be restored. The Board restored E's registration several days after the notification had been received.

In a submission to the Board, E acknowledged and agreed that they:

- undertook professional engineering services as defined by the *Professional Engineers Act 2002 (Act)*;
- were unregistered at the time of signing/approving the drawings; and
- had received three separate registration renewal reminders between May and June 2018;

E also apologised and accepted full responsibility for the conduct.

## ISSUE

Whether the information contained in the notification to the Board was sufficient for the Board to be satisfied that a 'reasonable suspicion' existed that E had committed offences under the *Act*. The relevant offences under sections 113, 114 and 115 of the *Act* were that when carrying out professional engineering services E:

- signed and approved engineering drawings/plans,
- used a protected title; and
- held or allowed themselves to be held out as a RPEQ whilst not being registered at the time.

## BOARD'S DECISION

The Board took the practice of undertaking professional engineering services while unregistered very seriously and the potential for the conduct to have continued had the Board not been notified of the oversight. In all the circumstances the Board decided to issue a caution under 75(2)(c).

In issuing a caution in this matter, the Board accepted the following:

- E not being registered was an oversight rather than a deliberate act of non-compliance;
- Consideration was given to the fact that the professional engineering service did not raise issues of inappropriate conduct or misconduct;



- Even though offences under the *Act* could be proven against E to the requisite standard, it would not be in the public interest in this instance to pursue a prosecution.

### **LESSONS FOR THE PROFESSION**

- An oversight in not renewing registration promptly, while continuing to practice, will still be treated as practicing unregistered;
- If you fail to renew on time, restoration of your registration is not always guaranteed which would leave an engineer running the risk of having practiced unregistered;
- The Board will, depending on the circumstances, consider prosecuting registered professional engineers if they are found to be ambivalent in the registration renewal process.