



BOARD OF
**PROFESSIONAL
ENGINEERS**
OF QUEENSLAND

Investigation Manual

14 MONITORING OF COMPLIANCE WITH THE ACT

In addition to enforcing compliance, section 4(b) of the Act provides for monitoring of compliance with the Act.

The only legislated, monitoring specific powers under the Act are those contained in section 2B, 'Audits of registered professional engineers'.

However other processes for conducting monitoring can be used as described in the section 14.2 of this manual.

14.1 Audit Powers (Part 2B) – *(applies only to an RPEQ)*

Section 35J of the Act provides legislative authority to conduct an audit of one or more RPEQs and sets out that an audit can be conducted to find out if the RPEQ subject to the audit (the audited engineer) has complied with the Code of Practice or Part 7 (other offence provisions) of the Act. This section also details what the Approved Audit program must state. [\(Refer to the Resolve templates for the 'Approved Audit Program' format\)](#)

Section 35K of the Act provides the legislative authority, and related conditions to give a notice to an audited engineer and require a copy of, or access to a document about a stated matter in the audited engineers possession or control. [\(Refer to the Resolve templates for the notice format\)](#)

14.1.1 Process for requesting approval for an Audit.

An Audit Program can only be approved by the Board.

The Principal Investigator has responsibility for identifying the need and progressing the requests for the commencement of Audit Programs.

The Principal Investigator will assess any information indicating the need for an audit or one or more RPEQs. If the information supports the conduct of an audit the Principal Investigator will complete a draft 'Approved Audit Program' and brief the Principal Legal Officer, and the Board, via the Registrar, for consideration. [\(Refer to the 'Audit Program Briefing' form in the Resolve templates\)](#)



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Resolve Action Required by Principal Investigator: The Principal Investigator will create a 'Legal' entry in Resolve and assign it to themselves so that all documents related to the proposed Audit Program can be filed.

14.1.2 Conducting the Audit.

If an Audit Program is approved, it will be conducted by the member named in the approved program which will be either the Principal Investigator or a Senior Investigator.

Resolve Action Required by Principal Investigator: The Principal Investigator will assign the Resolve Case to the approved member with appropriate instructions about the conduct of the Audit, including a due date for completion.

The approved member (the Auditor) will review the approved audit program details and create an audit plan.

Resolve Action Required by the Auditor: The Auditor will create an 'Audit' Action in the Investigation Plan Tab on the Resolve case and upload the audit plan to this action.

The plan will identify what information will be required from any audited engineer/s by way of notice under section 35K, and what other information may be required to assist the audit that can be obtained from open or voluntary sources.

The Auditor will send a letter to the audited engineer advising them of the Audit Program and follow up with the audited engineer as required to progress the audit.

Resolve Action Required by the Auditor: The Auditor will record all actions and file all documents and communication, in the Resolve Case.

14.1.3 The Audit Report.

Once the Audit is complete the Auditor will prepare an Audit Report and submit it to the Principal Investigator (or Principal Legal Officer if the Auditor is the Principal Investigator) for progression to the Board. (*Refer to Resolve templates for the Audit Report template*)

The issues to be addressed in the Audit Report include (but are not limited to):

- details of the 'Approved Audit Program';
- summary of the information gathered during the audit;
- relevance of the information gathered with reference to the compliance of the audited engineer with the Code of Practice or Part 7 offences;
- information that indicates good practice or practice the Board may wish to take remedial action in respect of;



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- recommendation about further action in respect to the audited engineer; and
- recommendation in respect to education or proactive engagement based on the information gathered.

Resolve Action Required by the Auditor: The Auditor is to submit the Audit report via Resolve and assign the Audit Matter to the Principal Investigator who will review the Audit Report and forward to the Principle Legal Officer for progression to the Boar

14.2 Other means of monitoring and detecting non-compliance with the Act.

Outside of the formal audit powers, there are methods of monitoring compliance with the Act. This includes proactively identifying and analysing information to generate intelligence relating to public safety risks and non-compliance with the Act, which can include among other things:

- trends in complaints of non-compliance reported by members of the community;
- collaborating with key industry stakeholders to understand industry trends;
- collaborating with other regulators, government departments and agencies;
- open-source monitoring of media, social media, and trends related to the provision of engineering services.

If intelligence is gained from these sources that indicates a person may have not complied with Part 7 (other offence provisions) of the Act, or an RPEQs conduct may not be consistent with the principles of the Code of Practice, the Principal Investigator will brief the Principal Legal Officer and they will decide whether to recommend an Audit under Part 2B of the Act, or an investigation under section 41 or 42 of the Act.

14.2.1 Methods for developing intelligence

To conduct an evaluation of information to determine if it can be developed into usable intelligence the following is accepted:

- Information is knowledge in raw form;
- Intelligence is
 - information that is capable of being understood;
 - information with added value; and
 - information that has been evaluated in context to its source and reliability.
- Analysis (of either information or intelligence) is
 - the separating of the information into its component parts;
 - the tracing of information to its source to discover the circumstances behind it;
 - verifying the reliability and accuracy of the information and/or its component parts; and (Refer to schedule one - Dictionary, of this manual for the 'Intelligence Assessment grading)
 - a report of the results of this process.

