

Board of Professional Engineers v S

Delivered on 12 December 2012.

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

Charges

The Board alleged that S, in breach of section 115 of the *Professional Engineers Act 2002* (“**the Act**”) carried out professional engineering services when he was not, at that time, a registered professional engineer (“**RPEQ**”).

S’s Background

S had previously been registered as a RPEQ but on several occasions had allowed that registration to lapse.

Conduct of S

S directed the release of water from two dams during a flood event, as stipulated by modeling predictions for those dams, by calculating the required water releases for each and preparing directives in relation to the release of water from the dams.

The Board alleged that those services were professional engineering services which could only be undertaken by a RPEQ, which S was not at that time.

What the Court Said

In determining the appropriate penalty the Court considered that a good behavior bond would not adequately reflect the intention of the Act. The Court stated that it is imperative to maintain registration, and to have that as the mark of a professional engineer.

Consequences for S

The Court considered that it was appropriate that a penalty be imposed for a failure by an engineer to maintain registration, particularly so in S’s circumstances whereby S had allowed his registration to lapse on a number of occasions, remaining unregistered for a considerable period of time before S renewed the registration on each occasion.

The Court found S guilty of the offence, imposed a monetary penalty, and ordered that S pay the Board’s costs.