

## **Board of Professional Engineers v T**

This was a disciplinary proceeding brought by the Board of Professional Engineers of Queensland (“**Board**”) against a registered professional engineer (deidentified as “**T**”) in the Queensland Civil and Administrative Tribunal (“**Tribunal**”).

### **Disciplinary Ground**

The Board alleged that T had behaved in a way that constituted unsatisfactory professional conduct in the structural design of a swimming pool and its subsequent certification.

### **T’s Background**

T was a registered professional engineer of long standing.

### **Conduct of Engineer**

In 2000, T was engaged to complete the structural design of a swimming pool to be built adjacent to a home on steeply sloping land. After the pool was completed cracks appeared and the pool began to leak.

After construction of the swimming pool T signed and issued an inspection certificate in circumstances where the building work had not been constructed in accordance with T’s design. T was unaware of this when T signed the inspection certificate because T had not sought, and had not obtained, any evidence or confirmation as to the degree of compaction achieved.

### **What the Tribunal Said**

T signed the certification without having satisfied himself that the requisite degree of pad compaction had been achieved in circumstances whereby that degree of compaction was crucial to the integrity of the design. It was accepted by T that his conduct fell below the standard which might reasonably be expected of a RPEQ by the public or T’s professional peers.

The Tribunal found that his certification in those circumstances was a serious departure from the standard reasonably expected of a RPEQ.

The Tribunal found that the intent and purpose of the certification was to assure the reader that the works had been constructed in accordance with the structural design but that T’s certification would give the reader a false impression that he or she could rely upon the certification to ensure the integrity of the design.

### **Consequences for Engineer**

In coming to its decision the Tribunal took into consideration the fact that T had accepted the inappropriateness of the conduct.

The Tribunal ordered that T be reprimanded and imposed a monetary penalty.