

Board of Professional Engineers v R

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

Disciplinary Ground

The Board alleged that R had behaved in a way that constituted unsatisfactory professional conduct in the design and certification of a residential dwelling.

R’s Background

Brown was a registered professional engineer of some standing.

Conduct of R

Prior to construction of the house the design documentation was stamped and signed by R and R completed a Form 15 Compliance Certificate for Building Design or Specification in relation to those designs.

The site was under-classified and some aspects of the designs were not suitable for the dwelling. Amongst other things:

- R incorrectly applied “in-house” correlation rather than shrink-swell index tests as nominated in the relevant Australian Standard;
- R gave inappropriate advice to the owner and builder over two-and-a-half years when rectification works were attempted which demonstrated a lack of knowledge and judgment; and
- a number of “as-designed” building inadequacies were evident.

After the home was built the owners noticed openings and movement in the fill platform and distress became evident in the front section of the residence.

A complaint was made against R by the owners.

What the Tribunal Said

The Tribunal found that R’s conduct demonstrated a fundamental lack of understanding of, or regard for, the proper engineering practices and principles required to safely design the house.

The parties’ agreement as to the conditions to be placed upon R’s registration as a RPEQ represented the least that R could do towards satisfying the Act’s objects and providing some comfort that such unsatisfactory professional conduct would not be repeated.

Consequences for R

The Tribunal took into consideration the fact that R had accepted the inappropriateness of the conduct and implemented procedures to avoid reoccurrence of similar events.

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