



Queensland

*Professional Engineers Act 2002*

# Professional Engineers Regulation 2003

Reprinted as in force on 1 July 2008

Reprint No. 3

This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy

# Information about this reprint

This regulation is reprinted as at 1 July 2008. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have been made to use different spelling consistent with current drafting practice (s 26(2)).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

## **Dates shown on reprints**

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

**Replacement reprint date** If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



Queensland

# Professional Engineers Regulation 2003

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# Professional Engineers Regulation 2003

[as amended by all amendments that commenced on or before 1 July 2008]

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Professional Engineers Regulation 2003*.

### 2 Dictionary

The dictionary in schedule 2 defines words used in this regulation.

## Part 2 Election of a registered professional engineer to the board

### Division 1 Preliminary

#### 3 Purpose of pt 2

This part states the procedures for electing, for section 82(2)(c)<sup>1</sup> of the Act, a registered professional engineer for

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1 Section 82 (Membership of board) of the Act—

(1) The board consists of 7 members appointed by the Governor in Council.

(2) The board must include—

...

(c) 1 registered professional engineer elected under this Act.

appointment as a member of the board.

## **Division 2                    Notice of election and nomination procedure**

### **4                    Notice of election**

- (1) The registrar must publish a notice of the election day for the election of a registered professional engineer for appointment as a member of the board.
- (2) The notice must be published at least 2 months before the election day.

### **5                    Notice calling for nominations**

- (1) The registrar must publish a notice inviting nomination of a candidate for election.
- (2) The notice must—
  - (a) state the day and time by which a nomination of a candidate must be received by the registrar; and
  - (b) be published at least 28 days before the day by which nominations must be received.

### **6                    Requirements for nominations**

- (1) A nomination of a candidate for election must—
  - (a) be in the approved form; and
  - (b) be received by the registrar before the nomination day and time.
- (2) A nomination may be accompanied by the candidate's written statement.
- (3) A statement mentioned in subsection (2) must not be more than 200 words.

### **Division 3                      Procedure if only 1 candidate nominated**

#### **7                      Candidate taken to be elected unopposed**

If only 1 candidate is nominated by the nomination day and time—

- (a) the registrar is not required to conduct a ballot for the election; and
- (b) the candidate is taken to be elected unopposed.

#### **8                      Registrar to give notice of elected candidate**

- (1) The registrar must give the candidate written notice of the candidate's election.
- (2) Also, the registrar must publish a notice of the candidate's election as soon as practicable after the candidate's appointment to the board.

### **Division 4                      Procedure if more than 1 candidate nominated**

#### **9                      Registrar to conduct ballot**

If more than 1 candidate is nominated by the nomination day and time, the registrar must conduct a ballot for the election under this division.

#### **10                     Voting material**

- (1) The registrar must send the following things to each eligible registered professional engineer at least 28 days before the election day—
  - (a) a ballot paper;
  - (b) an unsealed envelope for the ballot paper (the *ballot envelope*);

- (c) an unsealed envelope addressed to the registrar (the *return envelope*).
- (2) The ballot paper must—
  - (a) state the election day and election time; and
  - (b) list, in alphabetical order, the name of each candidate; and
  - (c) provide instructions on how a registered professional engineer may cast a vote; and
  - (d) be accompanied by any statements submitted by the candidates.
- (3) In this section—

*eligible registered professional engineer* means a person who was a registered professional engineer on the day the notice of the election was published under section 4(1).

## **11 How votes are cast**

A registered professional engineer may vote only by—

- (a) marking a ballot paper with a cross opposite the name of 1 candidate; and
- (b) putting the ballot paper in the ballot envelope and sealing the ballot envelope; and
- (c) putting the ballot envelope in the return envelope and sealing the return envelope; and
- (d) returning the return envelope to the registrar by the election time.

## **12 Registrar must keep ballot box**

- (1) The registrar must keep a ballot box for the election.
- (2) The registrar must place each sealed ballot envelope received by the registrar in the ballot box.
- (3) The ballot box must be sealed in a way preventing ballot envelopes from being taken from it until the election time.



**13 Candidate may appoint scrutineer**

- (1) A candidate may appoint 1 person as a scrutineer for the election.
- (2) The candidate must give written notice of the appointment to the registrar at least 5 days before the election day.

**14 Registrar must count votes**

- (1) At, or as soon as practicable after, the election time, the registrar must, in the presence of any scrutineer who wishes to attend and at least 2 other witnesses—
  - (a) open each ballot envelope in the ballot box kept for the election; and
  - (b) accept each formal ballot paper and reject each informal ballot paper; and
  - (c) count and record the number of votes for each candidate on the accepted ballot papers.
- (2) Despite subsection (1)(b), the registrar may accept an informal ballot paper if, in the opinion of the registrar, the intention of the voter is clear.
- (3) In this section—

*formal ballot paper* means a ballot paper marked as required under section 11(a).

*informal ballot paper* means a ballot paper not marked as required under section 11(a).

**15 Candidate with the highest number of votes is elected**

- (1) Subject to subsections (2) to (4), the candidate with the highest number of votes is elected.
- (2) Subsections (3) and (4) apply if 2 or more candidates receive the same number of votes so that the candidate entitled to be elected under subsection (1) can not be decided.
- (3) The registrar must conduct a draw by completing the following steps in the presence of any scrutineer who wishes to attend and at least 2 other witnesses—

- (a) writing the names of the candidates with the same number of votes on separate pieces of paper that are the same kind, shape, size and colour;
  - (b) folding the pieces of paper in the same way to be the same size and thickness;
  - (c) putting the pieces of paper in a container and shuffling them;
  - (d) drawing out 1 of the pieces of paper.
- (4) The candidate whose name is drawn out under subsection (3)(d) is elected.

#### **16 Registrar to give notice to candidates**

- (1) The registrar must give each candidate written notice of the candidate elected.
- (2) Also, the registrar must publish a notice of the candidate elected as soon as practicable after the candidate's appointment to the board.

#### **17 Ballot papers to be kept**

- (1) The registrar must keep the ballot papers placed in the ballot box under section 12(2) for 3 months from the election day.
- (2) At the end of the 3 month period the registrar must destroy the ballot papers in the presence of a member of the board.

## **Part 3 Miscellaneous**

#### **18 Prescribed school of engineering—Act, s 82**

For section 82(2)(a)(i)<sup>2</sup> of the Act, each of the following is a prescribed school of engineering—

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2 Section 82 (Membership of board) of the Act

- Faculty of Engineering and Surveying, University of Southern Queensland
- James Goldston Faculty of Engineering and Physical Systems, Central Queensland University
- School of Engineering, Griffith University
- School of Microelectronic Engineering, Griffith University
- School of Engineering, James Cook University
- School of Engineering, The University of Queensland
- School of Information Technology and Electrical Engineering, The University of Queensland
- School of Civil Engineering, Queensland University of Technology
- School of Electrical and Electronic Systems Engineering, Queensland University of Technology
- School of Mechanical, Manufacturing and Medical Engineering, Queensland University of Technology.

### **18A Code of practice approved—Act, s 108**

For section 108(3)<sup>3</sup> of the Act, the code of practice called ‘Code of Practice for Registered Professional Engineers in Queensland’ made by the board on 21 January 2008 is approved.<sup>4</sup>

### **19 Fees**

The fees payable under the Act are stated in schedule 1.

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3 Section 108 (Board to make code of practice) of the Act

4 Copies of the code of practice are available for inspection at the board’s office at 40 George Street, Brisbane. The code of practice is also available for inspection on the board’s website at <[www.bpeq.qld.gov.au](http://www.bpeq.qld.gov.au)>.

**20 Repeal**

The Professional Engineers Regulation 2002 SL No. 349 is repealed.

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## Schedule 1      Fees

section 19

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1 Application fee—Act, s 8(2)(b)(iv) . . . . .	44.05
2 Registration fee—Act, s 8(2)(b)(iv)—	
(a) for a period of registration of more than 1 month but not more than 6 months . . . . .	81.80
(b) for a period of registration of more than 6 months . .	162.60
3 Annual registration fee—Act, ss 18(3)(b)(iii) <sup>1</sup> and 23(2)(b)(iii) . . . . .	162.60
4 Processing refused application—Act, s 14(b) . . . . .	44.05
5 Processing lapsed application—Act, s 27(7) . . . . .	44.05
6 Processing withdrawn application—Act, s 35(2)(a) . . . . .	22.00
7 Copy of the register or part of it—Act, s 103(1)(b) . . . . .	29.40 plus \$1.80 for each page
8 Copy of approved code of practice or part of it—Act, s 110(1)(b) . . . . .	11.55 plus \$1.80 for each page

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1 *Editor's note—*

Section 18(3)(b)(iii) of the Act has been renumbered as section 18(3)(b)(ii) under the *Professional Engineers and Other Legislation Amendment Act 2008*, section 30(3).

## Schedule 2      Dictionary

### section 2

***ballot envelope*** see section 10(1)(b).

***election day***, for an election of a registered professional engineer to the board, means the day of the election, decided by the board.

***election time***, for an election of a registered professional engineer to the board, means the time on the election day, decided by the board, and stated on the ballot papers for the election.

***nomination day and time*** means the day and time stated in a notice given under section 5(1).

***publish***, in relation to a notice, means publishing the notice—

- (a) in a publication that is likely to be read by registered professional engineers, including for example, a journal or newsletter given to registered professional engineers; or
- (b) in an electronic form, including for example, on the board's website on the internet.

***return envelope*** see section 10(1)(c).

***scrutineer*** means a scrutineer appointed by a candidate under section 13(1).

## Endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 July 2008. Future amendments of the Professional Engineers Regulation 2003 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	7 February 2003	
1A	2003 SL No. 247	10 October 2003	
1B	2004 SL No. 90	25 June 2004	
1C	2004 SL No. 90	1 July 2004	
1D	2005 SL No. 109	10 June 2005	
1E	2005 SL No. 109	1 July 2005	R1E withdrawn, see R2
2	—	1 July 2005	
2A	2006 SL No. 175	7 July 2006	
2B	2006 SL No. 183	14 July 2006	
2C	2007 SL No. 43	30 March 2007	
2D	2008 SL No. 126 2008 SL No. 173	1 July 2008	R2D withdrawn, see R3
3	—	1 July 2008	

## 5 List of legislation

### **Professional Engineers Regulation 2003 SL No. 12**

made by the Governor in Council on 6 February 2003

notfd gaz 7 February 2003 pp 385–6

commenced on date of notification

exp 1 September 2013 (see SIA s 54)

Notes—(1) The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

(2) An explanatory note was prepared.

amending legislation—

### **Professional Engineers Amendment Regulation (No. 1) 2003 SL No. 247**

notfd gaz 10 October 2003 pp 455–6

commenced on date of notification

### **Public Works Legislation Amendment Regulation (No. 1) 2004 SL No. 90 pts 1, 3**

notfd gaz 25 June 2004 pp 573–81

ss 1–2 commenced on date of notification

s 8 commenced 1 July 2004 (see s 2)

remaining provisions commenced on date of notification

### **Public Works Legislation Amendment Regulation (No. 1) 2005 SL No. 109 pts 1, 3**

notfd gaz 10 June 2005 pp 502–3

s 8 commenced 1 July 2005 (see s 2)

remaining provisions commenced on date of notification



**Public Works Legislation Amendment Regulation (No. 1) 2006 SL No. 175 pts 1, 3**

notfd gaz 7 July 2006 pp 1167–9  
commenced on date of notification

**Professional Engineers Amendment Regulation (No. 1) 2006 SL No. 183**

notfd gaz 14 July 2006 pp 1279–80  
commenced on date of notification

**Professional Engineers Amendment Regulation (No. 1) 2007 SL No. 43**

notfd gaz 30 March 2007 pp 1483–4  
commenced on date of notification  
Note—An explanatory note was prepared

**Professional Engineers Amendment Regulation (No. 1) 2008 SL No. 126**

notfd gaz 16 May 2008 pp 407–8  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2008 (see s 2)

**Public Works Legislation Amendment Regulation (No. 1) 2008 SL No. 173 pts 1, 3**

notfd gaz 27 June 2008 pp 1268–78  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2008 (see s 2)

## **6 List of annotations**

**PART 1—PRELIMINARY**

**pt hdg** ins 2003 SL No. 247 s 3

**Dictionary**

**s 2** ins 2003 SL No. 247 s 7

**PART 2—ELECTION OF A REGISTERED PROFESSIONAL ENGINEER TO THE BOARD**

**pt 2 (ss 3–17)** ins 2003 SL No. 247 s 7

**PART 3—MISCELLANEOUS**

**pt hdg** ins 2003 SL No. 247 s 7

**Prescribed school of engineering—Act, s 82**

**s 18** (prev s 2) renum and reloc 2003 SL No. 247 s 4

**Code of practice approved—Act, s 108**

**s 18A** ins 2005 SL No. 109 s 7  
amd 2008 SL No. 126 s 4

**Areas of engineering—Act, sch 2, definition “area of engineering”**

**s 18B** ins 2006 SL No. 183 s 3  
om 2008 SL No. 126 s 5

**Fees**

**s 19** (prev s 3) amd 2003 SL No. 247 s 5(1)  
renum and reloc 2003 SL No. 247 s 5(2)  
amd 2004 SL No. 90 s 7

**Repeal**

**s 20** (prev s 4) renum and reloc 2003 SL No. 247 s 6

**SCHEDULE 1—FEES**

**sch hdg** sub 2003 SL No. 247 s 8(1)

**sch 1** amd 2003 SL No. 247 s 8(2)

sub 2004 SL No. 90 s 8; 2005 SL No. 109 s 8; 2006 SL No. 175 s 5

amd 2007 SL No. 43 s 3

sub 2008 SL No. 173 s 6

**SCHEDULE 2—DICTIONARY**

ins 2003 SL No. 247 s 9