

Queensland



Subordinate Legislation 2003 No. 247

Professional Engineers Act 2002

PROFESSIONAL ENGINEERS AMENDMENT REGULATION (No. 1) 2003

TABLE OF PROVISIONS

| Section | Page |
|---|--|
| 1 | Short title 3 |
| 2 | Regulation amended 3 |
| 3 | Insertion of new pt 1 hdg. 3 |
| 4 | Amendment of s 2 (Prescribed school of engineering—Act, s 82). 3 |
| 5 | Amendment of s 3 (Fees) 3 |
| 6 | Amendment of s 4 (Repeal). 3 |
| 7 | Insertion of new s 2, pt 2 and pt 3 hdg 3 |
| 2 | Dictionary 4 |
| PART 2—ELECTION OF A REGISTERED PROFESSIONAL ENGINEER TO THE BOARD | |
| <i>Division 1—Preliminary</i> | |
| 3 | Purpose of pt 2. 4 |
| <i>Division 2—Notice of election and nomination procedure</i> | |
| 4 | Notice of election. 4 |
| 5 | Notice calling for nominations 5 |
| 6 | Requirements for nominations. 5 |
| <i>Division 3—Procedure if only 1 candidate nominated</i> | |
| 7 | Candidate taken to be elected unopposed 5 |
| 8 | Registrar to give notice of elected candidate 5 |
| <i>Division 4—Procedure if more than 1 candidate nominated</i> | |

Professional Engineers Amendment Regulation (No. 1) No. 247, 2003
2003

| | | |
|----------------------------|---|---|
| 9 | Registrar to conduct ballot | 6 |
| 10 | Voting material | 6 |
| 11 | How votes are cast | 6 |
| 12 | Registrar must keep ballot box | 7 |
| 13 | Candidate may appoint scrutineer | 7 |
| 14 | Registrar must count votes | 7 |
| 15 | Candidate with the highest number of votes is elected | 8 |
| 16 | Registrar to give notice to candidates | 8 |
| 17 | Ballot papers to be kept | 8 |
| PART 3—MISCELLANEOUS’. | | |
| 8 | Amendment of schedule (Fees) | 9 |
| 9 | Insertion of new sch 2 | 9 |
| SCHEDULE 2 | | |
| DICTIONARY | | |

1 Short title

This regulation may be cited as the *Professional Engineers Amendment Regulation (No. 1) 2003*.

2 Regulation amended

This regulation amends the *Professional Engineers Regulation 2003*.

3 Insertion of new pt 1 hdg

Before section 1—

insert—

‘PART 1—PRELIMINARY’.

4 Amendment of s 2 (Prescribed school of engineering—Act, s 82)

Section 2—

renumber and *relocate* as section 18.

5 Amendment of s 3 (Fees)

(1) Section 3, ‘the schedule’—

omit, insert—

‘schedule 1’.

(2) Section 3—

renumber and *relocate* as section 19.

6 Amendment of s 4 (Repeal)

Section 4—

renumber and *relocate* as section 20.

7 Insertion of new s 2, pt 2 and pt 3 hdg

After section 1—

insert—

‘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)¹ of the Act, a registered professional engineer for 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.

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

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

(2) The members must include—

...

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

‘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’.

8 Amendment of schedule (Fees)

(1) Schedule, heading—

omit, insert—

‘SCHEDULE 1’.

(2) Schedule, section reference, ‘3’—

omit, insert—

‘19’.

9 Insertion of new sch 2

After schedule 1, as amended by this regulation—

insert—

‘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 web site on the internet.

“return envelope” see section 10(1)(c).

“scrutineer” means a scrutineer appointed by a candidate under section 13(1).’.

ENDNOTES

1. Made by the Governor in Council on 9 October 2003.
2. Notified in the gazette on 10 October 2003.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Public Works.