



*Professional Engineers Act 2002*

# **Professional Engineers Regulation 2019**

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Queensland

# Professional Engineers Regulation 2019

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# Professional Engineers Regulation 2019

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Professional Engineers Regulation 2019*.

### 2 Commencement

- (1) This regulation, other than part 5, commences on 8 July 2019.
- (2) Part 5 commences on 1 January 2020.

### 3 Dictionary

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

## Part 2 Election of registered professional engineer to board

### Division 1 Preliminary

#### 4 Purpose of part

This part states, for section 144(2)(b) of the Act, the procedures for the election of a registered professional engineer for appointment as a member of the board.

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

### **5                      Notice of election**

- (1) The registrar must publish a notice that states the election day for the election.
- (2) The notice must be published at least 2 months before the election day.

### **6                      Notice calling for nominations**

- (1) The registrar must publish a notice inviting nominations of candidates for the 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 mentioned in paragraph (a).

### **7                      Requirements for nominations**

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

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

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

If only 1 candidate is nominated under division 2—

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

### **9                      Registrar to give notice to candidate and Minister**

- (1) The registrar must give the candidate and Minister written notice of the candidate's election as soon as practicable after the nomination day and time.
- (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**

### **10                     Registrar to conduct ballot**

If more than 1 candidate is nominated under division 2, the registrar must conduct a ballot for the election under this division.

### **11                     Notice of accessibility of ballot**

- (1) The registrar must, at least 35 days before the election day, publish a notice that—
  - (a) states the election day and election closing time; and
  - (b) states—

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- (i) whether the registrar or a voting services provider is administering voting in the election; and
    - (ii) if a voting services provider is administering voting in the election—states the name and contact details of the voting services provider for the election; and
  - (c) provides instructions on how an eligible engineer may cast a vote.
- (2) If a voting services provider is administering voting in the election, the registrar must publish the name and contact details of the voting services provider on the board’s website from the day the notice is published under subsection (1).

## 12 Registrar to ensure ballot accessible

- (1) Immediately after publishing a notice under section 11, the registrar must ensure an electronic ballot form is accessible to each eligible engineer for the election.
- (2) If an eligible engineer wants to vote using a paper ballot form, the engineer must ask the entity administering voting in the election for a paper ballot form at least 28 days before the election day.
- (3) If the registrar is administering voting in the election, the registrar must send the engineer the following things at least 14 days before the election day—
  - (a) a paper ballot form;
  - (b) an unsealed envelope (the *ballot envelope*);
  - (c) a return envelope.
- (4) If a voting services provider is administering voting in the election, the registrar must ensure the voting services provider will, for a request by an eligible engineer under subsection (2), send the engineer the printed voting material mentioned in subsection (3) at least 14 days before the election.



### **13 Requirements for ballot forms**

- (1) An electronic ballot form or a paper ballot form must—
  - (a) list the name of each candidate in alphabetical order; and
  - (b) be accompanied by any written statements by the candidates given to the registrar.
- (2) The registrar may make any changes to the electronic ballot form that are necessary to allow the form to be displayed electronically.

### **14 Ways of voting**

- (1) An eligible engineer—
  - (a) is entitled to a single vote at the election; and
  - (b) may vote using—
    - (i) an electronic ballot form; or
    - (ii) a paper ballot form.
- (2) An eligible engineer who asks for a paper ballot form may vote using an electronic ballot form as long as the engineer does not use the paper ballot form to vote.

### **15 How votes are cast**

- (1) For voting using an electronic ballot form, an eligible engineer may vote only by following the instructions for the electronic voting system being used for the election, by the election closing time.
- (2) For voting using a paper ballot form, an eligible engineer may vote only by—
  - (a) marking the ballot form with a cross opposite the name of 1 candidate; and
  - (b) putting the ballot form in the ballot envelope and sealing the ballot envelope; and

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- (c) putting the ballot envelope in the return envelope and sealing the return envelope; and
- (d) giving, posting or sending the return envelope to the entity administering voting in the election so that the entity receives the envelope before the election closing time.

## **16 Ballot box and electronic vote security**

- (1) The registrar must ensure—
  - (a) a ballot box is kept for the election; and
  - (b) the ballot box is kept in a safe place; and
  - (c) the ballot box is sealed in a way that—
    - (i) allows ballot envelopes to be put in it until the election finishes; and
    - (ii) prevents ballot envelopes from being taken from it until votes for the election are to be counted.
- (2) The registrar must ensure appropriate measures are in place to keep an electronic voting system used or intended to be used for electronic voting secure from interference at all times.

## **17 Counting of votes**

- (1) The registrar must, as soon as practicable after the election closing time, arrange for the counting of votes cast.
- (2) For votes cast using a paper ballot form, the entity counting the votes must—
  - (a) open each ballot envelope in the ballot box for the election; and
  - (b) accept each formal ballot form and reject each informal ballot form; and
  - (c) count and record the number of votes for each candidate on the ballot forms accepted under this section.

- (3) The registrar must ensure the things mentioned in subsection (2) are done in the presence of at least 2 witnesses.
- (4) Despite subsection (2)(b), the entity counting the votes may accept an informal ballot form if the entity considers the voter's intention is clear.
- (5) In this section—  
*formal ballot form*, for a paper ballot form, means a ballot form that is marked as required under section 15(2)(a).  
*informal ballot form*, for a paper ballot form, means a ballot form that is marked other than as required under section 15(2)(a).

## **18 Candidate with the highest number of votes is elected**

- (1) The candidate with the highest number of votes is elected.
- (2) However, 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 at least 2 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.

## **19 Voting services provider to give notice to registrar**

- (1) This section applies if a voting services provider is administering voting in the election.
- (2) The registrar must ensure the voting services provider gives the registrar written notice of the result of the counting of votes as soon as practicable after counting all the votes.

## **20 Registrar to give notice to Minister**

The registrar must give the Minister written notice of the result of the counting of votes and the candidate elected as soon as practicable after counting all the votes.

## **21 Registrar to give notice to candidates**

As soon as practicable after the appointment of the elected candidate to the board, the registrar must—

- (a) give each candidate written notice of the candidate elected as soon as practicable after the candidate's appointment to the board; and
- (b) publish a notice of the candidate elected as soon as practicable after the candidate's appointment to the board.

## **22 Disposing of ballots**

- (1) The registrar must ensure—
  - (a) all electronic ballot forms are kept in a secure electronic location for the inspection period; and
  - (b) the paper ballot forms that were put in the ballot box under section 16(1) are kept for the inspection period.
- (2) During the inspection period, the registrar must ensure the count of electronic ballot forms and paper ballot forms is available for inspection by members of the public, free of charge, at the board's office during ordinary office hours.

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- (3) At the end of the inspection period, the registrar must ensure the electronic ballot forms and paper ballot forms are destroyed.
  - (4) In this section—  
*inspection period*, for an election, means the period of 3 months starting on the election day.

## Part 3 Miscellaneous

### 23 Requirements for electronic voting systems

An electronic voting system must—

- (a) give an eligible engineer an opportunity to change the engineer's vote before casting the vote; and
- (b) not allow a person to find out how a particular engineer cast the engineer's vote; and
- (c) give the same result in the scrutiny of votes as would be obtained if the scrutiny were conducted without using the system.

### 24 Prescribed qualifications and competencies for particular area of engineering—Act, s 10

- (1) This section prescribes, for section 10(1)(b) of the Act, the qualifications and competencies for aeronautical engineering.
- (2) The qualifications and competencies are—
  - (a) a relevant CASA appointment that is in force; and
  - (b) the qualifications and experience necessary, under the *Civil Aviation Safety Regulations 1998* (Cwlth), for the appointment.
- (3) In this section—  
*CASA* has the meaning given by the *Civil Aviation Act 1988* (Cwlth), section 3.

*relevant CASA appointment* means an appointment by CASA, under regulation 201.001 of the *Civil Aviation Safety Regulations 1998* (Cwlth), as an authorised person for part 21, subpart 21.M of those regulations.

## **25 Prescribed schools of engineering—Act, s 82**

For section 82(2)(a)(i) of the Act, a school of engineering (however described) at each of the following universities is a prescribed school of engineering—

- (a) Central Queensland University;
- (b) Griffith University;
- (c) James Cook University;
- (d) Queensland University of Technology;
- (e) The University of Queensland;
- (f) University of Southern Queensland;
- (g) University of the Sunshine Coast.

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

For section 108(3) of the Act, the code of practice called ‘Code of Practice for Registered Professional Engineers’ made by the board on 22 March 2013 is approved.

## **27 Fees**

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

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## Part 4                      Repeal and transitional provision

### Division 1                Repeal

#### 28      Repeal

The Professional Engineers Regulation 2003, SL No. 12 is repealed.

### Division 2                Transitional provision

#### 29      Provision for particular elections

- (1) If an election day for an election occurred under the repealed regulation within 3 months before the commencement, the repealed regulation, section 17 continues to apply to the registrar in relation to the election as if this regulation had not been made.
- (2) If an election was started but the election day for the election had not occurred under the repealed regulation before the commencement, the repealed regulation, part 2 continues to apply in relation to the election as if this regulation had not been made.
- (3) In this section—

*repealed regulation* means the repealed *Professional Engineers Regulation 2003*.

## Schedule 1 Fees

section 27

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1 Application fee—Act, s 8(2)(b)(iv)	64.20
2 Registration fee (practising professional engineer)—Act, s 8(2)(b)(iv)—	
(a) for a period of registration of more than 1 month but not more than 6 months	119.20
(b) for a period of registration of more than 6 months	236.95
3 Registration fee (non-practising professional engineer)—Act, s 8(2)(b)(iv)	118.45
4 Annual registration fee (practising professional engineer)—Act, ss 18(3)(b)(ii) and 23(2)(b)(iii)	236.95
5 Annual registration fee (non-practising professional engineer)—Act, ss 18(3)(b)(ii) and 23(2)(b)(iii)	118.45
6 Processing a refused application—Act, s 14(b)	64.20
7 Processing a lapsed application—Act, s 27(7)	64.20
8 Processing a withdrawn application—Act, s 35(2)(a)	32.10
9 Copy of the register or part of it—Act, s 103(1)(b)	42.75
	plus \$2.55 for each page
10 Copy of the approved code of practice or part of it—Act, s 110(1)(b)	16.85
	plus \$2.55 for each page



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## Schedule 2 Dictionary

### section 3

**ballot envelope** see section 12(3)(b).

**election** means an election of a registered professional engineer as a member of the board.

**election closing time**, for an election, means the time on the election day decided by the board as the time by which all votes must be cast for the election.

**election day**, for an election, means the day of the election decided by the board.

**eligible engineer**, for an election, means a person who was a registered professional engineer on the day the notice of the election day was published under section 5(1).

**nomination day and time** means the day and time stated in a notice given under section 6.

**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.

**return envelope** means an unsealed envelope addressed to the entity administering voting in the election.

**voting services provider**, for an election, means an entity approved by the board—

- (a) to administer voting in the election; and
- (b) to provide an electronic voting system or postal voting system for the election; and
- (c) to count votes in the election.