

# Professional Engineers Regulation 2019

Explanatory notes for Subordinate Legislation 2019 No. 132

made under the

*Professional Engineers Act 2002*  
*State Penalties Enforcement Act 1999*

## General Outline

### Short title

Professional Engineers Regulation 2019

### Authorising law

Section 144 of the *Professional Engineers Act 2002* (PE Act)  
Section 165(2) and section 165(3) of the *State Penalties Enforcement Act 1999* (SPE Act 1999)

### Policy objectives and the reasons for them

Section 54 of the *Statutory Instruments Act 1992* provides that subordinate legislation expires on 1 September first occurring after the tenth anniversary of the day of its making, unless it is sooner repealed or expires, or a regulation is made exempting it from expiry.

The *Professional Engineers Regulation 2003* (2003 Regulation) commenced in 2003 and has been exempted from expiry since 2013 as the PE Act has been undergoing review. The *Professional Engineers Regulation 2019* (PE Regulation 2019) will remake the 2003 Regulation which is due to expire on 31 August 2019.

The PE Regulation 2019 will continue to support the objectives of the PE Act, which includes:

- to protect the public by ensuring professional engineering services are provided by a registered professional engineer in a professional and competent way;
- to maintain public confidence in the standard of services provided by registered professional engineers; and
- to uphold the standards of practice of registered professional engineers.

Consequently, the PE Regulation 2019 will prescribe, among other things:

- procedures for a professional engineer to be elected under the PE Act as a member of the Board of Professional Engineers Queensland (Board);
- prescribed qualifications and competencies for particular areas of engineering;
- fees; and

- schools of engineering.

In addition, section 82 of the PE Act provides that one member of the Board must be a registered professional engineer elected under the Act. The 2003 Regulation outlines procedures for this election. The current regulation only allows a “voting services provider” to conduct the election. It is intended to allow the Board to choose to appoint either the Registrar or a voting services provider to conduct the election. It is also proposed to require the Registrar to notify the Minister of the elected candidate following the election.

There are currently no penalty infringement notice (PIN) offences prescribed for the PE Act. The PE Regulation 2019 through an amendment to the *State Penalties Enforcement Regulation 2014* (SPE Regulation) prescribes suitable offences in the PE Act under which a PIN can be issued.

### **Achievement of policy objectives**

The policy objectives will be achieved by remaking the 2003 Regulation which is due to expire on 31 August 2019.

In addition to remaking the 2003 Regulation, the PR Regulation 2019 also introduces greater flexibility for the Board in conducting an election of an engineer for a Board member position. Whereas the 2003 Regulation requires that a “voting services provider” must administer the election, the PE Regulation 2019 now allows either the Registrar or a voting services provider to do so. Also, the Registrar must now formally notify the Minister of the candidate elected. These provisions bring the Board in line with the Board of Architects of Queensland, a similar statutory body.

The PE Regulation 2019 amends the SPE Regulation to prescribe certain offences under the PE Act as PIN offences. This provision will commence on 1 January 2020 to allow guidance material to be developed and enable the changes to be communicated to professional engineers and the industry.

### **Consistency with policy objectives of authorising law**

The PE Regulation 2019 is consistent with the policy objectives of the authorising laws under the Architects Act and the SPE Act 1999..

### **Consistency with policy objectives of other legislation**

The PE Regulation 2019 is consistent with the policy objectives of other legislation in Queensland.

### **Alternative ways of achieving policy objectives**

The policy objectives can only be achieved by making the PE Regulation 2019 to replace the 2003 Regulation before the latter expires on 31 August 2019.

### **Benefits and costs of implementation**

The remaking of the PE Regulation 2019 allows for greater flexibility for the Board in conducting elections for engineers to the Board and will enabling the Board Registrar to issue a PIN for these offences will benefit the Board Registrar, engineers and the

general public through a cost effective and efficient disciplinary process that still retains avenues of appeal.

It is not expected that additional costs will be incurred in implementing the PE Regulation 2019.

### **Consistency with fundamental legislative principles**

The PE Regulation 2019 has sufficient regard to the rights and liberties of individuals and the institution of Parliament and has been drafted in accordance with fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

### **Consultation**

The Queensland Productivity Commission determined that the objectives for sunset reviews as set out in the Queensland Government Guide to Better Regulation have been met and that further regulatory impact analysis is not required.

The Board was consulted and identified no issues with the PE Regulation 2019.