



Queensland

Professional Engineers Act 2002

Professional Engineers Regulation 2003

Current as at 1 July 2015



Queensland

Professional Engineers Regulation 2003

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Professional Engineers Regulation 2003

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) of the Act, a registered professional engineer for appointment as a member of the board.

Editor's note—

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.

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;

[s 11]

- (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

17A 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.

18 Prescribed school of engineering—Act, s 82

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

- 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

[s 18A]

- 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) 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.

19 Fees

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

20 Repeal

The Professional Engineers Regulation 2002 SL No. 349 is repealed.

Schedule 1 Fees

section 19

	\$
1 Application fee—Act, s 8(2)(b)(iv)	55.60
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	103.35
(b) for a period of registration of more than 6 months	205.30
3 Registration fee (non-practising professional engineer)—Act, s 8(2)(b)(iv)	102.65
4 Annual registration fee (practising professional engineer)—Act, ss 18(3)(b)(ii) and 23(2)(b)(iii)	205.30
5 Annual registration fee (non-practising professional engineer)—Act, ss 18(3)(b)(ii) and 23(2)(b)(iii)	102.65
6 Processing a refused application—Act, s 14(b)	55.60
7 Processing a lapsed application—Act, s 27(7)	55.60
8 Processing a withdrawn application—Act, s 35(2)(a)	27.85
9 Copy of the register or part of it—Act, s 103(1)(b)	37.05
	plus \$2.15 for each page
10 Copy of the approved code of practice or part of it—Act, s 110(1)(b)	14.60
	plus \$2.15 for each page

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).

1 Index to endnotes

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2 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
amd	= amendment	prov	= provision
t			
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	renu	= renumbered
		m	
ins	= inserted	rep	= repealed
lap	= lapsed	(retro	= retrospectively
)	
notf	= notified	rv	= revised version
d			
num	= numbered	s	= section

Key	Explanation	Key	Explanation
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 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous	m	

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Reprint No.	Amendments included	Effective	Notes
1	none	7 February 2003	
1A	2003 SL No. 247	10 October 2003	

Reprint No.	Amendments included	Effective	Notes
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	
3A	2009 SL No. 82	1 July 2009	
3B	2010 SL No. 136	1 July 2010	
3C	2011 SL No. 120	1 July 2011	
3D	2012 SL No. 97	6 July 2012	

Current as at	Amendments included	Notes
1 July 2013	2013 SL No. 128	
29 November 2013	2013 SL No. 257	
1 July 2014	2014 SL No. 121	
12 December 2014	2014 SL No. 309	
1 July 2015	2015 SL No. 64	

4 List of legislation

Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

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 31 August 2015 (see SIA s 56A(2) and SIR s 3 sch 2 pt 2)

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)

Public Works Legislation Amendment Regulation (No. 1) 2009 SL No. 82 pts 1, 3

notfd gaz 12 June 2009 pp 619–21
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2009 (see s 2)

Public Works Legislation Amendment Regulation (No. 1) 2010 SL No. 136 pts 1, 3

notfd gaz 25 June 2010 pp 823–30
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2010 (see s 2)

Public Works Legislation Amendment Regulation (No. 1) 2011 SL No. 120 pts 1, 3

notfd gaz 24 June 2011 pp 534–8
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2011 (see s 2)

Housing and Public Works Legislation Amendment Regulation (No. 1) 2012 SL No. 97 pts 1, 8

notfd gaz 6 July 2012 pp 759–60
commenced on date of notification

Housing and Public Works Legislation (Fees) Amendment Regulation (No. 1) 2013 SL No. 128 pts 1, 8

notfd gaz 28 June 2013 pp 739–47
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2013 (see s 2)

Building and Other Legislation Amendment Regulation (No. 3) 2013 SL No. 257 s 1, pt 3

notfd <www.legislation.qld.gov.au> 29 November 2013
commenced on date of notification

Housing and Public Works Legislation (Fees) Amendment Regulation (No. 1) 2014 SL No. 121 pts 1, 8

notfd <www.legislation.qld.gov.au> 20 June 2014
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2014 (see s 2)

Queensland Building and Construction Commission and Another Regulation Amendment Regulation (No. 1) 2014 SL No. 309 s 1, pt 3

notfd <www.legislation.qld.gov.au> 12 December 2014
commenced on date of notification

Housing and Public Works Legislation (Fees) Amendment Regulation (No. 1) 2015 SL No. 64 pts 1, 7

notfd <www.legislation.qld.gov.au> 26 June 2015

ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2015 (see s 2)

5 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 qualifications and competencies for particular area of engineering—Act, s 10

s 17A ins 2013 SL No. 257 s 6

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; 2013 SL No. 257 s 7

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 1 amd 2003 SL No. 247 s 8

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; 2009 SL No. 82 s 6; 2010 SL No. 136 s 6; 2011 SL No. 120 s 6; 2012 SL No. 97 s 15; 2013 SL No. 128 s 16; 2014 SL No. 121 s 16

amd 2014 SL No. 309 s 7

sub 2015 SL No. 64 s 14

SCHEDULE 2—DICTIONARY

ins 2003 SL No. 247 s 9

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