



*Professional Engineers Act 2002*

# **Professional Engineers Regulation 2003**

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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.

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## **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                      Notice of accessibility of ballot**

The registrar must, at least 35 days before the election day, publish a notice that—

- (a) states the election day and election time; and
- (b) states the name and contact details of the voting services provider for the election; and

[s 11]

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- (c) provides instructions on how a registered professional engineer may cast a vote.

## **11 Registrar to ensure ballot accessible**

Immediately after publishing the notice under section 10, the registrar must ensure both of the following are accessible to each eligible engineer—

- (a) an electronic ballot form;
- (b) a paper ballot form.

## **12 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 statements the candidates give to the registrar.
- (2) The registrar may approve changes to an electronic ballot form that are necessary to allow the form to be displayed electronically.

## **12A Ways of voting**

- (1) An eligible engineer—
  - (a) is entitled to a single vote at an election; and
  - (b) may vote using—
    - (i) an electronic ballot form; or
    - (ii) a paper ballot form.
- (2) However, if an eligible engineer wants to vote using a paper ballot form, the engineer must ask the voting services provider for a paper ballot form at least 28 days before the election day.
- (3) To remove any doubt, it is declared that an eligible engineer who asked for a paper ballot form may vote using an



electronic ballot form as long as the engineer did not use the paper ballot form to vote.

## **12B Printed voting material**

- (1) This section applies if an eligible engineer asks the voting services provider for a paper ballot form.
- (2) The registrar must ensure the voting services provider sends 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) an unsealed envelope (the *return envelope*) addressed to the registrar.

## **12C 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 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
  - (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 voting services provider so that the provider receives the envelope by the election time.

## **12D Ballot box and electronic vote security**

- (1) The registrar must ensure the voting services provider—
  - (a) has a ballot box for the election; and
  - (b) keeps the ballot box in a safe place; and
  - (c) seals the ballot box 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 the voting services provider has appropriate measures to keep an electronic voting system used or intended to be used for or in connection with electronic voting secure from interference at all times.

## **14 Counting of votes**

- (1) The registrar must ensure the voting services provider does the following, at, or as soon as practicable after, the election time—
  - (a) for votes cast using an electronic ballot form—arrange for the electronic counting of the votes cast to happen;
  - (b) for votes cast using a paper ballot form—
    - (i) open each ballot envelope in the ballot box for the election; and
    - (ii) accept each formal ballot form and reject each informal ballot form; and
    - (iii) count and record the number of votes for each candidate on the accepted ballot forms.
- (2) The registrar must ensure the voting services provider does the things mentioned in subsection (1) in the presence of at least 2 witnesses.

(3) Despite subsection (1)(b)(ii), the voting services provider may accept an informal ballot form if the provider considers the voter's intention is clear.

(4) In this section—

*formal ballot form*, for a paper ballot form, means a ballot form that is marked as required under section 12C(2)(a).

*informal ballot form*, for a paper ballot form, means a ballot form that is not marked as required under section 12C(2)(a).

#### **14A Voting services provider to inform registrar of result**

The registrar must ensure the voting services provider tells the registrar the result of the counting as soon as practicable after counting all the votes.

#### **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 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.

## **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 Disposing of ballots**

- (1) The registrar must ensure the voting services provider—
  - (a) keeps all electronic ballot forms in a secure electronic location for 3 months after the election day; and
  - (b) keeps the paper ballot forms that were put in the ballot box under section 12D(1) for 3 months after the election day.
- (2) During the 3 months, the registrar must ensure the voting services provider makes the tally of electronic ballot forms and paper ballot forms available for inspection by members of the public, free of charge, at its office during ordinary office hours.
- (3) At the end of the 3 months, the registrar must ensure the voting services provider destroys the electronic ballot forms and paper ballot forms.

## **Division 5 Voting services providers**

### **17AA Voting services provider and their systems**

- (1) A *voting services provider*, for an election of a registered professional engineer for appointment as a member of the board, means an entity—
  - (a) approved by the board—
    - (i) to provide an electronic voting system or a postal voting system for the election; and

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- (ii) to count votes in the election; and
  - (b) whose name and contact details are published on the board's website from when a notice is published under section 10.
- (2) An electronic voting system provided by a voting services provider must—
- (a) give an eligible engineer an opportunity to change his or her vote before casting the vote; and
  - (b) not allow a person to find out how a particular engineer cast his or her vote.
- (3) An electronic vote counting system provided by a voting services provider must—
- (a) if used properly, give the same result in the scrutiny of votes as would be obtained if the scrutiny were conducted without using the system; and
  - (b) not allow a person to find out how a particular engineer cast his or her vote.

## 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, 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.

## **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

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1    Application fee—Act, s 8(2)(b)(iv)	61.65
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	114.55
(b) for a period of registration of more than 6 months	227.65
3    Registration fee (non-practising professional engineer)— Act, s 8(2)(b)(iv)	113.80
4    Annual registration fee (practising professional engineer)—Act, ss 18(3)(b)(ii) and 23(2)(b)(iii)	227.65
5    Annual registration fee (non-practising professional engineer)—Act, ss 18(3)(b)(ii) and 23(2)(b)(iii)	113.80
6    Processing a refused application—Act, s 14(b)	61.65
7    Processing a lapsed application—Act, s 27(7)	61.65
8    Processing a withdrawn application—Act, s 35(2)(a)	30.85
9    Copy of the register or part of it—Act, s 103(1)(b)	41.10
	plus \$2.45 for each page
10   Copy of the approved code of practice or part of it—Act, s 110(1)(b)	16.20
	plus \$2.45 for each page

## Schedule 2 Dictionary

### section 2

***ballot envelope*** see section 12B(2)(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 in the notice published under section 10.

***electronic ballot form*** means a ballot form in electronic form used in an electronic voting system.

***eligible engineer***, for an election of a registered professional engineer for appointment as a member of the board, means a person who was a registered professional engineer on the day the notice of the election day was published under section 4(1).

***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 12B(2)(c).

***voting services provider*** see section 17AA(1).