

# Board of Professional Engineers of Queensland

## Code of Practice Review

Professional Performance, Innovation & Risk (PPIR)  
The PPIR Protocol for Performance

### The Warren Centre for Advanced Engineering

The Warren Centre works to bring industry, government and academia together to create thought leadership in engineering, technology and innovation. We constantly challenge economic, legal, environmental, social and political paradigms to open possibilities for innovation to build a better future.

This is our response to the invitation to comment on the 2016 Board of Professional Engineers of Queensland (BPEQ) review of the Code of Practice.

### Recommendation

The reference to the PPIR Protocol for Performance in Section 3.1 of the Code of Practice by the Board of Professional Engineers of Queensland is a signal that the Protocol represents a standard of care that is “widely accepted by peer professional opinion by a significant number of respected practitioners in the field as competent professional practice.”<sup>1</sup> Indeed the intention of the PPIR Protocol for Performance was for engineers themselves to write a clear, succinct description of competent professional practice.

As Queensland’s peak body for engineering, BPEQ’s explicit reference to the PPIR Protocol for Performance is persuasive, not only within the State of Queensland, but across Australia to other States. This clear indication removes a potential for confusion within Australia’s engineering profession and to those outside whom we serve in business and society. This reference reduces business uncertainty and affirms the Protocol as valid for assessing performance.

We recommend that BPEQ preserves this valuable affirmation to guide engineers.

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<sup>1</sup> These words are used in a number of state statutes. See for example, *Civil Liability Act (QLD) 2003*, s 22, at [http://www.austlii.edu.au/au/legis/qld/consol\\_act/cla2003161/s22.html](http://www.austlii.edu.au/au/legis/qld/consol_act/cla2003161/s22.html); *Civil Liability Act (NSW) 2002*, s 50, at [http://www.austlii.edu.au/au/legis/nsw/consol\\_act/cla2002161/s50.html](http://www.austlii.edu.au/au/legis/nsw/consol_act/cla2002161/s50.html); *Wrongs Act (VIC) 1958*, s 59, at [http://www.austlii.edu.au/au/legis/vic/consol\\_act/wa1958111/](http://www.austlii.edu.au/au/legis/vic/consol_act/wa1958111/).  
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## **About the PPIR Protocol for Performance**

The engineering profession in Australia has clear standards for *ethics*<sup>2</sup> and *competency*<sup>3</sup>. PPIR represents the “third leg of the stool”: a defined framework for *performance*, how an engineer’s work is performed and accomplished. Ethics is a moral philosophy. Competence is a measure of sufficiency of technical attainment, qualification and legitimacy.

Beginning in 2006, the Warren Centre began deep engagement and collaboration across industry, engineering associations, universities and a broad range of practicing engineers to develop a widely accepted standard for the performance of a Professional Engineer. This standard is expressed in the PPIR Protocol for Performance (“the Protocol”), which can be applied prospectively or retrospectively and which applies to a Professional Engineer’s work regardless of their status as a Chartered Professional Engineer or as a Registered Professional Engineer. From its inception, the authors of the Protocol carefully distinguished the scope of the Protocol as a third dimension separate from, but complementary to ethics and competency. In 2009 when the Protocol was published, the contributors specifically sought for the profession itself to take control and write a simple document with these objectives: to inform and guide the Professional Engineer, acting individually or as a team member; to inform and guide all relevant parties and other stakeholders on the role and obligations of Professional Engineers; and to define the essentials of performance against which the duty and standard of care of Professional Engineers can be assessed objectively in prospect and in retrospect.

The Protocol is recognised by the Board of Professional Engineers Queensland in the *Queensland Code of Practice for Registered Professional Engineers*.<sup>4</sup> As section 3, the General Professional Obligation states:

A registered professional engineer must bring to the engineering task knowledge, skill, judgment, and care that are of a standard which might reasonably be expected by the public or the registered professional engineer’s professional peers.

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<sup>2</sup> Engineers Australia, *Our Code of Ethics*, at <https://www.engineersaustralia.org.au//sites/default/files/shado/About%20Us/Overview/Governance/codeofethics2010.pdf>

<sup>3</sup> Engineers Australia, *Australian Engineering Competency Standards Stage 2 – Experienced Professional Engineer*, at [http://www.engineersaustralia.org.au/sites/default/files/shado/Education/echartered/competency\\_standards\\_june.pdf](http://www.engineersaustralia.org.au/sites/default/files/shado/Education/echartered/competency_standards_june.pdf)

<sup>4</sup> Board of Professional Engineers Queensland, *Queensland Code of Practice for Registered Professional Engineers*, 29 Nov 2013, at [http://www.bpeq.qld.gov.au/imis15/BPEQ/Resources/Code\\_of\\_Practice/BPEQ/Navigation/CodesandGuides/CodeofPractice/Preamble\\_to\\_Code.aspx](http://www.bpeq.qld.gov.au/imis15/BPEQ/Resources/Code_of_Practice/BPEQ/Navigation/CodesandGuides/CodeofPractice/Preamble_to_Code.aspx) .

In considering the appropriate standards, registered professional engineers should have regard to industry and performance standards. One example is the Professional Performance, Innovation and Risk (PPIR) Protocol which documents the essentials of performance for professional engineers acting in a professional capacity.

The legal standard of care for Professional Engineers is a hybrid topic between engineering and law. The *Bolam*<sup>5</sup> principle of English common law is reflected in state statutes giving effect to reasonable and widely accepted peer professional opinion.<sup>6</sup> When engineers undertake their work under contract, the contractual terms may affect the engineer's work. In cases such as *Voli v Inglewood Shire Council*<sup>7</sup> and *Woolcock Street Investments v CDG*,<sup>8</sup> the High Court of Australia has held that the terms of a contract are not "irrelevant" in considering professional duties, and the Court has considered whether the contracting parties were equal commercial actors, whether there existed a vulnerability of expertise and whether the contracted task was just a commercial transaction between two sophisticated players.

From its inception, the PPIR Protocol set out to address these kinds of complex issues and to inform engineers proactively how professionals manage complex tasks.

### **Recommendation and Conclusion**

As Queensland's peak body for engineering, BPEQ's explicit reference to the PPIR Protocol for Performance provides clear guidance to engineers. BPEQ's influence is not confined only to the State of Queensland, but adds weight to others in the profession who cite the Protocol as a widely accepted peer professional standard. The clear indication by BPEQ removes a potential for confusion within the engineering profession and confusion to those outside whom we serve in business and society. This reference reduces business uncertainty and affirms the framework as valid for objectively assessing performance.

We recommend that BPEQ preserves this valuable reference and affirmation to guide engineers.

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<sup>5</sup> *Bolam v Friern Hospital Management Committee* [1957] 1 WLR 582.

<sup>6</sup> See for example, *Wrongs Act* (VIC) 1958, s 59, at [http://www.austlii.edu.au/au/legis/vic/consol\\_act/wa1958111/](http://www.austlii.edu.au/au/legis/vic/consol_act/wa1958111/); *Civil Liability Act* (QLD) 2003, s 22, at [http://www.austlii.edu.au/au/legis/qld/consol\\_act/cla2003161/](http://www.austlii.edu.au/au/legis/qld/consol_act/cla2003161/); *Civil Liability Act* (NSW) 2002, s 50, at [http://www.austlii.edu.au/au/legis/nsw/consol\\_act/cla2002161/s50.html](http://www.austlii.edu.au/au/legis/nsw/consol_act/cla2002161/s50.html).

<sup>7</sup> *Voli v Inglewood Shire Council* (1963) 110 CLR 74.

<sup>8</sup> *Woolcock Street Investments v CDG* (2004) 216 CLR 515.

The Warren Centre would welcome the opportunity to discuss this submission with BPEQ or to provide further analysis to support and amplify any aspect of this submission.

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**About the Warren Centre for Advanced Engineering**

The Warren Centre constantly challenges the economic, legal, environmental, social and political issues raised by innovation. We collaborate with industry, government and academia to achieve globally significant outcomes.

<http://thewarrencentre.org.au/>

<http://www.ppir.com.au/>