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E-Alert: Building, Construction and Infrastructure

By ,

Those who can, do; those who can't, teach. Well, sort of. Sometimes, those who can't don't teach. Sometimes, they supervise other people who can't instead….

We often get approached to by engineers who ask us 'what are my obligations in supervising x (who is usually carrying out professional engineering services, generally as an employee or the like)'.

Usually the answer requires a conversation about the background and work history of the supervisor.

In simple terms, in order to supervise someone, you really need to be able to competently perform the task which you have assigned the person who is being supervised. If you can't competently perform the task yourself, then you can't properly supervise the carrying out of that task.

Well, the Queensland Civil and Administrative Tribunal recently dealt with the case of a registered professional engineer who was supervising an employee, despite the fact the engineer was not experienced in the field of structural engineering (the employee was preparing designs for a residential premises, including designs for the slab, footings and wall panels).

Oddly enough, upon investigation by the Board of Professional Engineers Queensland, the designs proved to be completely inadequate (unfortunately, the Judgment does not give any indication as to what prompted the complaint by the homeowners).

In Board of Professional Engineers of Queensland v Moodie [2016] QCAT 44 Member Gordon said as follows:

> [9] It is of significance that Mr Moodie's career and experience has been primarily focussed on civil engineering projects, rather than on
> work as a structural engineer where his experience is limited. In those circumstances he accepts that he should not have offered structural
> engineering services, particularly in a tropical cyclonic environment as here.
>
> [10] This meant also that Mr Moodie ought not to have been in a position of supervisor for the work of the employee of the company,
> who was an unregistered engineer, in so far as it was structural engineering work. Mr Moodie accepts that it was wrong to rely
> on the skill, judgement and experience of the employee of the company to prepare the designs properly.
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> [11] In turn it meant that Mr Moodie should not have been certifying the designs because he had little experience in the area of structural
> engineering. This meant that he could not effectively review or consider them.

The engineer involved was reprimanded, fined $8,000.00 and ordered to pay the Board's legal costs which exceeded $10,000.00.

As a wise practitioner once told me, the engineer would have been in a far better position had he (in the vulgar tongue) ‘stuck to his knitting’ . (1)

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1. For those not familiar with said practitioner – this phrase means to stay within one’s own specific field of knowledge.

Should you wish to discuss any matters arising out of this article, please contact the author:

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