



Government of **Western Australia**  
Department of **Mines, Industry Regulation and Safety**



# WA Building Engineers' Code of Conduct

July 2024



# Contents

---

<b>WA Building Engineers' Code of Conduct.....</b>	<b>2</b>
Principles .....	2
1. Professional conduct .....	2
2. Personal conduct.....	2
3. Professional expertise.....	2
<b>Explanatory Notes.....</b>	<b>3</b>
Head of Power .....	3
Application.....	3
Objectives .....	3
Principles .....	3
2. Professional conduct .....	3
4. Personal conduct.....	5
5. Professional expertise.....	7

# WA Building Engineers' Code of Conduct

---

## Principles

### 1. Professional conduct

- 1.1. Building engineers act in a professional manner
- 1.2. Building engineers work within the limits of their professional expertise
- 1.3. Building engineers maintain a professional relationship with clients
- 1.4. Building engineers demonstrate good record keeping and confidentiality
- 1.5. Building engineers maintain a focus on health and safety
- 1.6. Building engineers must supervise unregistered persons carrying out building engineering work competently

### 2. Personal conduct

- 2.1. Building engineers respect the rule of law and provide a positive example in the performance of their professional obligations
- 2.2. Building engineers will act with honesty and integrity and will not exploit their position for personal or financial gain
- 2.3. Building engineers must avoid all conflicts of interest between their personal and professional activities
- 2.4. Building engineers act with discretion and maintain confidentiality in all their professional dealings with others

### 3. Professional expertise

- 3.1. Building engineers are true professionals and set and maintain high standards
- 3.2. Building engineers are aware of the legal requirements that pertain to their profession

# Explanatory notes

---

## Head of Power

This Code is established under section 96(1)(b) of the *Building Services (Complaint Resolution and Administration Act 2011*.

## Application

All building engineering practitioners registered under the *Building Services (Registration) Act 2011* are bound by this Code. All mentions of building engineer in the Code mean registered building engineering practitioner.

Building engineering contractors will need to provide registered building engineering practitioners, that they employ, with adequate systems, processes and policies to enable practitioners to meet their obligations under this Code. For example, a contractor's record keeping policies and IT systems will need to allow registered engineering practitioners to comply with record keeping requirements.

## Objectives

The objectives of this Code are to:

- set out minimum expectations of building engineers undertaking building engineering work in Western Australia (WA) to fulfil their duties and obligations within a framework of integrity, care for the public, and competency;
- promote public confidence in building engineering work provided by building engineers undertaking work in or for WA; and
- assist the Building Commissioner, Building Services Board and/or the State Administrative Tribunal to determine disciplinary matters in relation to registered building engineers.

## Principles

### 1. Professional conduct

#### 1.1 Building engineers act in a professional manner

A registered building engineer must:

- demonstrate integrity and act appropriately in all circumstances in a professional manner;
- act impartially and objectively in the provision of all building engineering work; and
- ensure building engineering work is carried out competently and professionally and, if applicable, adequately supervised.

#### 1.2 Building engineers work within the limits of their professional expertise

A registered building engineer must:

- undertake building engineering work only within their area of registration, competence and expertise;
- only undertake direct supervision within their area of registration and competence;
- in the course of their practice, be honest and accurate regarding qualifications and experience and not make any statements or publish any material that may mislead a client or prospective client as to their professional competence;
- recognise where other advice is required and either seek it or recommend to an employer and/or client to seek such expert advice in appropriate areas; and
- act with an appropriate level of knowledge, skill, care and diligence in the provision of building engineering work.

### **1.3 Building engineers maintain a professional relationship with clients**

A registered building engineer must maintain a high standard of integrity in their professional dealings and:

- communicate and consult with the client or prospective client or other stakeholders in a timely and effective manner and, where applicable, in accordance with any prescribed standards;
- must not deliberately misinform or mislead a client or potential client about a matter related to building engineering work.
- take appropriate action when responding to concerns about any aspect of their building engineering work;
- orally and in writing, express opinions, make statements, and give evidence with fairness, honesty, objectivity, and only based on adequate knowledge;
- take reasonable steps to make clients or employers aware of professional concerns regarding actions or projects and the likely consequences if engineering advice, decisions, or judgments are overruled or disregarded;
- ensure a client or potential client is made aware of any matter affecting registration or that may impact on the carrying out of building engineering work; and
- bring to the attention of the client or other stakeholders any relevant aspects of a project requiring professional input which is not covered in the scope of works.

### **1.4 Building engineers demonstrate good record keeping and confidentiality**

A registered building engineer will be expected to take reasonable steps to adequately protect and secure clients':

- paper and/or electronic records in relation to their engagement and provision of an engineering service; and
- confidential information taking into account relevant legislation.

A registered building engineer during the provision of any engineering service and for at least seven (7) years after the completion of those services (or longer if required by any legislation), keep and maintain records documenting the provision of building engineering work, including:

- records relating to an engineering deliverable, including calculations, drawings, modelling, specification, etc;

- records of decisions, such as correspondence and documents sent and received, and meeting minutes; and
- financial transactions.

### **1.5 Building engineers maintain a focus on health and safety**

A registered building engineer must:

- ensure actions, or inactions, do not pose an unreasonable risk to themselves or others;
- comply with duties and obligations for engineers in applicable health and safety legislation;
- ensure the health and safety of the public and the community is always considered;
- when providing building engineering work, take reasonable steps to communicate to the client the safest preferred alternative; and
- Keep and maintain a work health and safety file, in accordance with Worksafe’s Code of practice: safe design of structures.<sup>1</sup>

### **1.6 Building engineers must competently supervise unregistered persons carrying out building engineering work**

Registered building engineers supervising a person in the carrying out of building engineering work must:

- be competent in and have sufficient knowledge of the building engineering work being carried out;
- instruct, oversee and continuously evaluate building engineering work of a supervised person to ensure the work is that expected of a competent and proficient registered building engineer;
- be involved in all stages of the building engineering work and have sufficient control over the work being performed by the supervised person;
- take responsibility for the building engineering work provided by the supervised person; and
- ensure the building engineering work is carried out in accordance with the requirements of the Act and regulations.

The supervisor must have direct contact with the supervisee and actual knowledge of the building engineering work being provided. Depending on the circumstances, direct contact need not be in person, but may be through written correspondence (letters, drawings, or emails), telephone, or voice or video chat. However, the contact must be directly between supervisor and supervisee, and not through a third person.

## **2. Personal conduct**

The personal conduct of a registered building engineer will have an impact on the professional standing of engineers generally and on the profession as a whole.

In the provision of services, a registered building engineer must take into account the public interest and the natural environment.

---

<sup>1</sup> [https://www.commerce.wa.gov.au/sites/default/files/atoms/files/221191\\_cp\\_designstructures.pdf](https://www.commerce.wa.gov.au/sites/default/files/atoms/files/221191_cp_designstructures.pdf)

## **2.1 Building engineers respect the rule of law and provide a positive example in the performance of their professional obligations**

A registered building engineer must:

- act with honesty, integrity, fairness, without unjustified discrimination and with due respect for the rights of others and the laws of the communities in which building engineering work are supplied; and
- comply with all laws, statutory rules and codes attached directly or indirectly to the engineering profession.

## **2.2 Building engineers will act with honesty and integrity and will not exploit their position for personal or financial gain**

A registered building engineer must not:

- promise to give or give to any person anything intended to improperly influence that person's decisions as they relate to their services or to secure work;
- accept from any person anything intended to improperly influence their decisions or advice; and
- without the informed consent of any person who may be detrimentally affected by their conduct, enter into a contract or like arrangement with a client or employer where an actual, potential or perceived conflict of interest would exist or could reasonably be considered to arise.

A registered building engineer must:

- act with honesty and integrity and comply with all professional and statutory requirements;
- disclose to a client or prospective client if they receive, are likely to receive, or have been promised any payment, gift or other material advantage for any endorsement given or comment made about products or services that are or are likely to be used in connection with the provision of services to the client or prospective client; and
- disclose to a client or prospective client any arrangement entered into whereby the client or prospective client has been introduced or referred to them by a third party whom they have given or offered to provide a fee, benefit or reward for the referral of clients or prospective clients.

## **2.3 Building engineers must avoid all conflicts of interest between their personal and professional activities**

A registered building engineer must:

- ensure their personal or financial interests do not interfere with the performance of their duties;
- disclose any actual or potential conflict of interest to a client or prospective client or employer upon discovery of that actual or potential conflict of interest; and
- inform a client, potential client or employer of the existence or likelihood of conflict between their personal or business interest and those of the client, potential client or employer.



## **2.4 Building engineers act with discretion and maintain confidentiality in all their professional dealings with others**

A registered building engineer must not:

- disclose to any person any information, expressly agreed or understood implicitly to be confidential, which is acquired from or provided by a client, in the course of their provision of professional services to the client, unless authorised to do so by the client in writing or permitted or required to do so by the operation of any state or Commonwealth law; and
- in obtaining another person's confidential information in connection with one purpose, in the course of building engineering work, must not use that information for another purpose without the express agreement in writing of that person.

## **3. Professional expertise**

### **3.1 Building engineers are true professionals and set and maintain high standards**

A registered building engineer is to undertake their services in a responsible, thorough and timely way. In particular, a registered building engineer must:

- be knowledgeable in their areas of expertise;
- take all reasonable steps to maintain and apply up-to-date, relevant knowledge, skills and expertise necessary for the provision of building engineering work;
- maintain a thorough knowledge of the building engineering work to be provided, including compliance with any applicable continued professional development requirements and any other matters that relate to the delivery and performance of those services;
- ensure they document their continuing professional development activities to verify they meet the minimum criteria for renewing registration and make those records available upon reasonable request; and
- encourage those with whom they are associated to comply with the principles stated above in Principle 3.1.

### **3.2 Building engineers are aware of the legal requirements that pertain to their profession**

A registered building engineer must:

- practice in the field of engineering in which they are registered in accordance with all the legal, statutory and regulatory requirements;
- procure and maintain adequate professional indemnity insurance during each year that is appropriate for the services being provided; and
- be cognisant of their legal, statutory or regulatory responsibilities particularly related, but not limited, to:
  - discrimination, harassment and vilification;
  - contracts;
  - negligence;
  - privacy and confidentiality; and
  - work health and safety.





Department of Mines, Industry Regulation and Safety Building  
and Energy

Office: Level 1, 303 Sevenoaks Street, Cannington WA 6107  
Post: Locked Bag 100 East Perth WA 6892

Phone: (08) 6251 1900  
Fax: (08) 6251 1901

Email: [be.info@dmirs.wa.gov.au](mailto:be.info@dmirs.wa.gov.au)  
Web: [www.dmirs.wa.gov.au/building-and-energy](http://www.dmirs.wa.gov.au/building-and-energy)

National Relay Service: 13 36 77  
Quality of service feedback line: 1800 304 059

This publication is available in other formats on