

Consultation submission form

A Proposed Occupational Regulatory Regime for Engineers



Contents

Contents 2

How to submit this form..... 3

Submitter information 5

The case for intervention 6

Proposal 1: Establish a new registration requirement for persons who practice professional engineering..... 8

Proposal 2: Restrict who can carry out or supervise high risk engineering work..... 14

Proposal 3: Establish a new two-tiered regulator comprised of an independent regulatory board and a regulatory service provider 17

Implementation 19

How to submit this form

How to submit this form

This form is used to provide feedback on proposals found within the consultation document *A Proposed Occupational Regulatory Regime for Engineers*.

When completing this submission form, please provide comments and reasons explaining your choices. Your feedback provides valuable information to help the Ministry of Business, Innovation and Employment (MBIE) think about how to respond to the issues raised.

You can submit this form by 5pm, Friday 25 June 2021 by:

- email: building@mbie.govt.nz, with subject line 'Engineers consultation 2021'
- post to:

Building Policy
Building, Resources and Markets
Ministry of Business, Innovation and Employment
PO Box 1473
Wellington 6140

Use of information

The information provided in submissions will be used to inform MBIE's policy development process, and will inform advice to Ministers on the Licensed Building Practitioner scheme. We may contact submitters directly if we require clarification of any matters in submissions.

Release of information

MBIE intends to upload PDF copies of submissions received to MBIE's website at www.building.govt.nz. MBIE will consider you to have consented to uploading by making a submission, unless you clearly specify otherwise in your submission.

If your submission contains any information that is confidential or you otherwise wish us not to publish, please:

- indicate this on the front of the submission, with any confidential information clearly marked within the text
- provide a separate version excluding the relevant information for publication on our website.

Use of information

The information provided in submissions will be used to inform MBIE's policy development process, and will inform advice to Ministers on proposals for occupational regulation of engineers. We may contact submitters directly if we require clarification of any matters in submissions.

How to submit this form

Release of information

Submissions remain subject to request under the *Official Information Act 1982*. Please set out clearly in the cover letter or e-mail accompanying your submission if you have any objection to the release of any information in the submission, and in particular, which parts you consider should be withheld, together with the reasons for withholding the information. MBIE will take such objections into account and will consult with submitters when responding to requests under the *Official Information Act*.

Private information

The *Privacy Act 2020* establishes certain principles with respect to the collection, use and disclosure of information about individuals by various agencies, including MBIE. Any personal information you supply to MBIE in the course of making a submission will only be used for the purpose of assisting in the development of policy advice in relation to this review. Please clearly indicate in the cover letter or e-mail accompanying your submission if you do not wish your name, or any other personal information, to be included in any summary of submissions that MBIE may publish.

Submitter information

Submitter information

MBIE would appreciate if you would provide some information about yourself. If you choose to provide information in the “About you” section below it will be used to help MBIE understand the impact of our proposals on different occupational groups. Any information you provide will be stored securely.

A. About you

Name: Malcolm Fleming

Email address: malcolm@nziob.org.nz

B. Are you happy for MBIE to contact you if we have questions about your submission?

Yes No

C. Are you making this submission on behalf of a business or organisation??

Yes No

If yes, please tell us the title of your company/organisation.

New Zealand Construction Industry Council (NZCIC)

D. The best way to describe your role is:

- | | |
|--------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| <input type="checkbox"/> Engineer (please specify your discipline below) | <input type="checkbox"/> Other engineering professional (please specify below) |
| <input type="checkbox"/> BCA/Building Consent Officer | <input type="checkbox"/> Consumer of engineering services |
| <input type="checkbox"/> Architect or designer | <input checked="" type="checkbox"/> Other (please specify below) |
| <input type="checkbox"/> Builder or tradesperson | <input type="checkbox"/> Prefer not to say |

Please specify here.

Deputy Chair of NZCIC

E. If you are an engineer, are you:

- Chartered Professional Engineer
 Engineering New Zealand member
 Neither

The case for intervention

The case for intervention

Occupational regulation of a profession aims to protect the public from harm caused by incompetent or reckless practitioners. Our current approach to regulating engineers is not adequately protecting the public. Many engineers are practising outside of a regulatory regime, the public lacks information on who is competent to practice, there are few restrictions on who can practice in high risk fields, and the current governance structure is not sufficiently accountable, transparent, or independent from the profession.

Questions for the consultation

- 1. Do you agree there is a case for occupational regulation of professional engineers? Why do you think so?**

We strongly agree there is a case for the occupational regulation of professional engineers. The occupational regulatory regime as proposed, will improve accountability, liability, and public trust, in the profession of engineering.

- 2. Have we identified the issues with the status quo correctly? Are there any issues that we have not included?**

We believe that MBIE has correctly identified the issues that exist with the current system for regulating engineers.

The case for intervention

3. We are unable to verify the number of practising engineers and those who may be operating at substandard levels. Can you suggest information sources for us?

Other than Statistics NZ and Engineering NZ, who are both sources that have been identified by MBIE, NZ Universities and ITPs would be able to provide the names of those graduating from their schools with engineering qualifications, presuming that the bulk of graduates go on to practice engineering.

4. What is your perception of the overall performance of engineers? Does your perception depend on the engineering discipline? Do you have examples of poor engineering you can share?

We have an overall positive view of the work undertaken by engineers in New Zealand, noting that our field of reference is construction.

Proposal 1. Establish a new registration requirement for persons who practice professional engineering

Proposal 1: Establish a new registration requirement for persons who practice professional engineering

All persons who provide professional engineering services would need to be registered. Registered engineers would be subject to a code of conduct, continuing professional development obligations and a complaints and disciplinary process.

Questions for the consultation

5. Does our working definition of professional engineer and professional engineering services adequately reflect the profession? Can you suggest any changes?

Suggested that 'appropriately qualified' be added to the working definition i.e., any **appropriately qualified** person who provides professional engineering services ..."

The working definition is particularly broad and captures practitioners who undertake a single or small number of the listed roles, for whom it is not necessary to be a professional engineer. An example being a drafting/CAD technician in an engineering office. Determining a definition for a practitioner who undertakes high-level engineering services and holds responsibility for the work they do, is recommended.

6. Do you agree that the regime should cover all professional engineers? Are there any disciplines that should be exempted and why?

Acknowledging that the NZCIC's field of reference is construction, we would support that the proposed regime covers construction related disciplines, noting our comments in Question 5, regarding the working definition of professional engineer.

Proposal 1. Establish a new registration requirement for persons who practice professional engineering**7. Do you agree with establishing a new protected title? Do you have a preference for what it is?**

Agree that a protected title for engineers be created. Mindful that 'Registered' is used to denote architects, Registered Engineer would seem to be a logical name to adopt vs. the 'Professional' name being suggested.

8. Is a qualification enough for registration? Should we also include experience and an assessment of competence?

In the NZCIC's view, the process of registration must include a minimum assessment of experience and competency, so that a candidate can demonstrate an ability to take responsibility for (at least) their own work.

9. Would limiting registration to those with an engineering qualification (such as a Washington Accord level degree or equivalent) exclude some engineers in the profession? How can we recognise those engineers?

Exclusion would be created, which is undesirable. Pathways must be created by the Regulator, to allow those with trade certificates (in engineering) or tertiary qualifications in engineering (that sit below four-year degree level) to achieve registration by way of base qualification and experience as an engineering practitioner.

Proposal 1. Establish a new registration requirement for persons who practice professional engineering

10. Do you engage engineers from overseas? Would requiring them to be registered affect your ability to engage their services? Or would overseas engineers be able to work under the supervision of a local engineer?

N/A for NZCIC.

11. Do you agree that all engineers should be subject to a code of conduct and continuing professional development obligations? Please share your reasons if you disagree.

Yes, we agree.

12. Do you agree with the proposal for a practising certificate? Do you have any other suggestions for how we can link registration to continuing professional development?

Yes, we agree.

Proposal 1. Establish a new registration requirement for persons who practice professional engineering

13. How often should an engineer need to renew their practising certificate?

Annually.

14. Should issuing a practising certificate be contingent on an engineer completing their continuing professional development commitments?

Yes, we agree.

15. Should electrical engineers registered by the Electrical Workers Registration Board continue under that regime rather than the new one proposed?

Outside of NZCIC's field of reference.

Proposal 1. Establish a new registration requirement for persons who practice professional engineering

16. Are there other engineering practice fields that should also be recognised for similar reasons? What are they, and why should they be recognised?

It should be the regulator's responsibility to determine whether there are disciplines that could be exempt from the process.

17. Should we include engineering associates, engineering technologists, engineering technicians and/or engineering geologists in the new regime?

Roles such as those described above, should be included in the proposed new regime, but not captured by the 'Professional' (working title) Engineer category. Rather, these roles should be captured in separate registers.

18. If we expand the scope, should we make registration mandatory for those practising in these additional areas?

NZCIC proposes voluntary not mandatory registration for the roles described in question 17.

Proposal 1. Establish a new registration requirement for persons who practice professional engineering

19. Is a recognised statutory credential of value for engineering associates, technologists, technicians, and engineering geologists? Why?

Yes, NZCIC supports.

Proposal 2. Restrict who can carry out or supervise high risk engineering work

Proposal 2: Restrict who can carry out or supervise high risk engineering work

High risk practice fields would be restricted to licensed engineers only. Unlicensed engineers would only be permitted to practice if under the supervision of a licensed engineer or under a prescriptive standard.

Questions for the consultation

20. Do you support the Minister being able to decide what practice fields should be licensed? Or would you prefer greater certainty by setting out licensed practice fields in the primary legislation?

Yes, we agree.

21. Do you agree with the proposed list of criteria that the Minister would use to prioritise the development of licence classes? Are there other criteria that should be considered?

Yes, we agree.

Proposal 2. Restrict who can carry out or supervise high risk engineering work

22. What sort of eligibility requirements for licensing would provide a suitable level of assurance on an engineer's expertise? Should they differ depending on the practice field?

We believe the setting of eligibility requirements for licensing should be managed by the regulator in consort with relevant technical societies (as appropriate).

23. Should licensed engineers undergo regular checks of their continued competency?

Yes, we agree.

24. How often should the regulator check a licensed engineers' competency?

This should be left to the regulator in consort with relevant technical societies (as appropriate).

Proposal 2. Restrict who can carry out or supervise high risk engineering work

25. What tools would be most useful to check competency in your practice field?

Outside of NZCIC's field of reference.

26. Would you prefer using the Chartered Professional Engineering (CPEng) credential for licensing classes rather than creating a new credential? Why?

CPEng with endorsement in the appropriate licencing class is a good option to consider, CPEng as a brand, has a good profile.

27. Do you prefer the option of licensing companies instead of individuals? Why?

Prefer licencing individuals, noting that MBIE could consider the creation of regulations that companies can only advertise themselves as engineers, if they employ 'Professional' (working title) Engineers.

Proposal 3. Establish a new two-tiered regulator comprised of an independent regulatory board and a regulatory service provider

Proposal 3: Establish a new two-tiered regulator comprised of an independent regulatory board and a regulatory service provider

A new two-tiered regulator would oversee the regime. A regulatory board would report to the Minister for Building and Construction, with the Ministry of Business, Innovation and Employment (MBIE) providing oversight and monitoring. The regulatory board would determine who can be registered, what work needs to be licensed, and investigate complaints. The Minister would have the ability to designate a regulatory service provider to provide all or some of the board's functions. Appeals would be heard by the District Court.

Questions for the consultation

28. Do you agree with the proposed two-tier regulator model of a regulatory board and a regulatory services provider? Are there any other models we should consider?

Yes, we agree.

29. Do you have a preference for who the regulatory service provider should be?

Engineering NZ is the logical choice for regulatory service provider.

Proposal 3. Establish a new two-tiered regulator comprised of an independent regulatory board and a regulatory service provider

30. Do you agree with the proposed functions of the regulator and regulatory service provider? Can you suggest any different functions?

Yes, we agree.

31. Have we missed any other grounds for discipline? Have we proposed grounds for discipline that you think should be modified or removed?

We agree with MBIE's proposed grounds for discipline.

Implementation

Implementation

It will take time to transition to a new regime. The board would have the ability to recognise some existing engineers as registered or licensed. Once the regime is in place, the Chartered Professional Engineers scheme would be disestablished.

Questions for the consultation

32. Should the regulator have the flexibility to recognise and automatically deem some existing practitioners as registered and/or licensed?

Yes, to providing the regulator with the flexibility to recognise and automatically deem some existing practitioners as **registered**.

No, to providing the regulator with the flexibility to recognise and automatically deem some existing practitioners as **licenced**.

33. Do you have any suggestions for other ways to transition the profession to the new regime?

We are supportive of MBIE's high-level transition plans.

34. Should we retain the Chartered Professional Engineer credential in the longer term? If we do, what role should it play?

As per our response to Question 26, exploring the use of CPEng (with endorsement) as the licencing qualification, is supported.