Consultation submission form

A Proposed Occupational Regulatory Regime for Engineers

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# 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.

**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

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.

1. About you

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| --- | --- |
| Name: |  |

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| Email address: |  |

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

[ ]  Yes [ ]  No

1. 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.

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1. The best way to describe your role is:

[ ]  Engineer (please specify your discipline below) [ ]  Other engineering professional (please specify below)

[ ]  BCA/Building Consent Officer [ ]  Consumer of engineering services

[ ]  Architect or designer [ ]  Other (please specify below)

[ ]  Builder or tradesperson [ ]  Prefer not to say

Please specify here.

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1. If you are an engineer, are you:

[ ]  Chartered Professional Engineer

[ ]  Engineering New Zealand member

[ ]  Neither

# The case for intervention

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| 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?**

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

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1. **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?**

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1. **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?**

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

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| 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

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

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

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1. **Do you agree with establishing a new protected title? Do you have a preference for what it is?**

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

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1. **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?**

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1. **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?**

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1. **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.**

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1. **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?**

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

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

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

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

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

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

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

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

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

## Questions for the consultation

1. **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?**

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1. **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?**

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1. **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?**

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

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1. **How often should the regulator check a licensed engineers’ competency?**

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

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

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

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

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| 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

1. **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?**

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

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

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

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# Implementation

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| 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

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

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

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

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