MINISTRY OF BUSINESS, INNOVATION & EMPLOYMENT
HĪKINA WHAKATUTUKI

COVERSHEET

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List of documents that have been proactively released		
Date	**Title**	**Author**
March 2022	*Establishing a new occupational regulatory regime for professional engineers*	*Office of the Minister for Building and Construction*
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16 March 2022	*DEV-22-MIN-0037*	*Cabinet Office*
11 February 2022	*Regulatory Impact Statement*	*MBIE*
11 November 2021	*Cost benefit analysis*	*Sapere*
March 2022	*Summary of submissions*	*MBIE*

Information redacted **NO**

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BUILDING PERFORMANCE

Occupational regulation of engineers

Summary of submissions

MINISTRY OF BUSINESS, INNOVATION & EMPLOYMENT
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New Zealand Government

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Executive Summary

The Ministry of Business, Innovation & Employment (MBIE) consulted on a proposal to reform the occupational regulation of engineers – including the introduction of a new regulatory regime for all persons undertaking engineering work.

Public consultation was undertaken from 12 May 2021 for a period of six weeks. MBIE received 250 submissions in total from individuals and organisations. The majority of submissions received were from submitters who identified as engineers.

Submissions were received on five topic areas, including three key proposals that MBIE consulted on. These topic areas related to the case for intervention, registration, licensing and governance arrangements, and the implementation of a new regulatory regime.

Overall, MBIE's proposals were well-received with many submitters responding positively to the introduction of a new regulatory regime. Feedback also underlined concerns held about different practice fields and the practicality of regulating each field under one regime. Submitters also reminded us that an appropriate regulatory body with the right skills and expertise would be best placed to regulate existing and emerging fields of practice.

Not only did submitters respond to the questions we asked, but many also suggested how the regulatory system could operate. In particular, submitters suggested who should be covered by the new regime, entry requirements, minimum standards, continuing professional development and governance arrangements. Submitters also suggested how existing systems and practices could be utilised.

Introduction

Background

On 12 May 2021, MBIE opened consultation on proposals to reform the occupational regulation of engineers.

The consultation document asked for feedback on three key proposals:

- Registration for all persons who provide professional engineering services.
- Licensing for those practising in high-risk disciplines.
- New governance arrangements, including a new regulator to oversee the regime.

The proposals are intended to address several issues with the status quo. Currently, New Zealand operates two voluntary regulatory regimes that many engineers choose not to be part of. These engineers are not subject to any expectations about their conduct or behaviour and there are few avenues to address poor performance.

There are also no restrictions on who can practice in high-risk engineering disciplines, with the potential for inexperienced or unskilled practitioners to work unsupervised in disciplines that may place the public at risk.

There have also been longstanding concerns about the current governance arrangements, especially after the loss of life incurred in the collapse of the CTV Building in the 2011 Christchurch Earthquake.

The consultation process

We began consultation on 12 May 2021, with submissions open for a total of six weeks. We asked a total of 34 questions in our consultation document.

MBIE released a media statement and emailed building sector stakeholders. We also ran advertising on social media. Engineering New Zealand also informed its members.

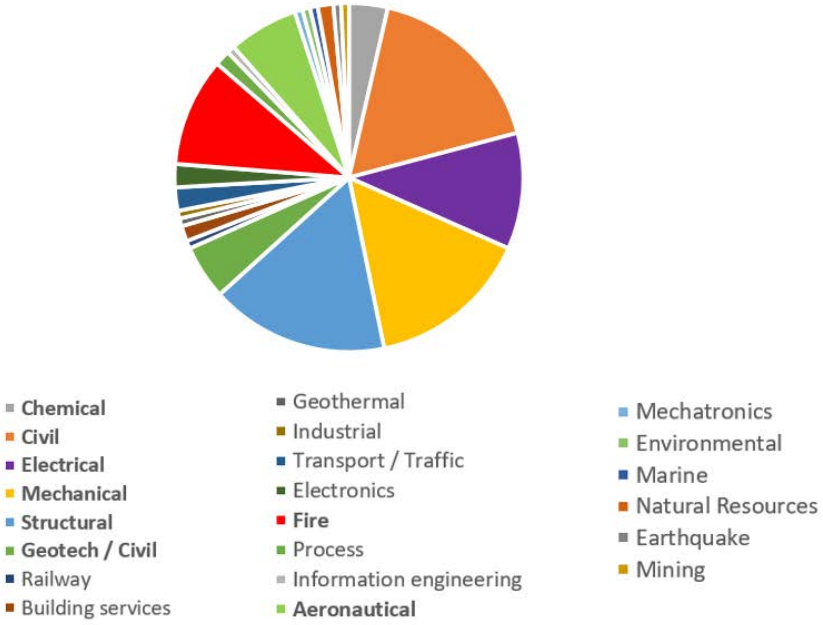
Who submitted

We received 250 submissions, with the majority (180) from individuals.

Major submitters include Air New Zealand, Beca, Engineering New Zealand, the Insurance Council of New Zealand, Engineering Associates Registration Board, Christchurch City Council, Dunedin City Council, Fonterra, and Survey and Spatial New Zealand. We also received several submissions from energy supply, distribution, aviation, and maritime sectors.

Engineers were the most reported occupation of submitters, with 86 per cent identifying as an engineer or an engineering organisation. Of the submitters that identified as engineers, 85 per cent reported that they were either registered as a Chartered Professional Engineer (CPEng) and/or a member of Engineering New Zealand. We asked engineers to identify their discipline and received a list of 22 different disciplines. The majority disciplines were civil and structural (each 17 per cent), mechanical (15 per cent), electrical (11 per cent), and fire (10 per cent).

Figure 1: Engineers who submitted by discipline



How this document works

This document follows the same structure as the discussion document and summarises key themes from submissions received on the following five areas:

- Case for intervention
- Registration
- Licensing
- Governance
- Implementation

Meaning of terms used

This document is designed to give the reader a general idea of the key themes identified from each of the five areas listed above. The table below shows the terms we use to reference the number of submissions received on each question.

Table 1: Definitions of numerical terms

Term	Number of submissions
One / single / a	1
A few / a couple	1 – 3
Several / a number of	3 – 7
Group or a collection	7 – 15
Many or a large number	Up to 50% of submitters
Most or the majority	Over 50% of submitters

Disclaimer

Some, but not all, submissions have been directly quoted in this document. Where submissions are attributed to an individual, only the individual's submission number and occupation (where available) are shown. Where submissions are attributed to a company, the company is named.

How will we use this information?

The information provided in submissions will be used to inform MBIE's policy development process and will inform advice to Ministers on the proposed occupational regulation of engineers.

Summary of submissions

Part 1: Case for intervention

In Part 1 of the discussion document, we asked submitters whether they agreed that there was a case for the occupational regulation of engineers, and whether they agreed with the issues we had identified. We also asked submitters what their perception of the overall performance of engineers was.

Case for intervention and problem definition

Submitters responded positively to the need for intervention, and agreed with the issues we had identified (84 per cent).

The majority of submitters who supported the case for intervention told us regulation was important for ensuring professional engineers were held accountable for their work, received adequate oversight, and carried out quality work. There were also diverging views from submitters who agreed in principle with the case for intervention. Some of these submitters considered that occupational regulation for engineers should only apply to high-risk fields that can affect public safety.

> *Coming from Canada where I was licenced as a Professional Engineer in Ontario, New Zealand appears to be the wild west from my perspective. There is no true, real accountability for engineers to practice, there's no real, true way for a member of the public to understand who is reputable or not (as anyone can use the word "engineer" without restriction), and there are engineers that were found to be negligent that are still allowed to practice within a different company or using someone else to sign off.*
>
> (6) Engineer

> *We consider occupational regulation of engineers is a preferable situation to the public losing trust in unregulated engineers, but we are unable to say whether this is likely.*
>
> WSP NZ Ltd

On the other hand, a group of submitters (13 per cent) disagreed with the case for intervention. Some of these submitters considered that engineers should remain independent from regulation to maintain their professional integrity. Other submitters told us intervention was not necessary as regulatory regimes already exist for some specialities including aeronautical engineers under the *Civil Aviation Act 1990* and under the *Maritime Transport Act 1994*.

Problem definition

Overall, there was an almost equal number of responses from those who agreed (59 submitters 37 per cent) and disagreed (58 submitters 37 per cent) with the issues we had identified with the sector.

Information sources

We asked submitters for suggestions on information sources as we had difficulty verifying the number of practising engineers and those who may be operating at substandard levels.

Submitters suggested a wide range of information sources including Engineering New Zealand, building consent authorities, engineering sub-disciplines, for example, Electrical Engineers'

Association, and international associations. Several submitters commented that the difficulty in finding information on the number of practising engineers pointed to a problem and the need for regulatory intervention.

> *On the number of practising engineers, this is difficult to know. Those with Washington Accord engineering qualifications do not all practice professional engineering, and many practising professional engineers do not hold such qualifications, rather they hold some form of equivalence.*
>
> (4) Engineer

We passed the full list of suggestions to consultants to help them assess the costs and benefits of our proposals.

Perception of profession

Submitters generally had a positive perception of engineers and their work. However, some noted that commercial pressures from clients encourage cutting corners, whilst other talked about an over reliance on the peer review process. Some submitters who were involved in peer review told us there were a proportion of engineers that relied on the process to improve the quality of their work.

> "*Engineers in New Zealand undertake world-class engineering work. We are proud of the work of the profession and honoured to represent engineers. We know there are significant issues with some of the systems engineers work within. Some of these issues are a direct result of professional misconduct and poor workplace culture*."
>
> (62) Engineer

Some submitters raised concerns about the lack of continuing professional development undertaken by some engineers, as this meant they were not keeping up to date with best practice and evolving to modern standards.

Part 2: Registration

In Part 2, we identified registration as an effective tool in ensuring new entrants to the profession are suitably qualified and can be held to account for poor conduct. We proposed that all persons providing professional engineering services be registered, and asked submitters several questions about how far the scope of registration should extend for professional engineers.

Definition of professional engineering services

We sought views on our working definition of professional engineer and professional engineering services, and whether these adequately reflected the profession. [1]

Many submitters (48 per cent) disagreed with our working definition. These submitters told us the definition was too broad and would capture allied engineering professionals or trades. Some suggested that the definition should be specific to avoid grey areas in interpretation on the many complex fields and levels of profession. Others were concerned the definition did not capture work undertaken by building practitioners under the *Building Act 2004*, specifically fire and fire safety designers. Several submitters suggested that the definition should also refer to an academic qualification.

> *In our view the definition of a professional engineer is too broad and may unintentionally capture tradespersons currently undertaking engineering-type occupations, technicians and technologists. We suggest the definition be narrowed to exclude them.*
>
> OceanaGold

On the other hand, other submitters agreed that the definition reflected the breadth of engineering disciplines and the diversity of engineering activities.

> *The working definition is comprehensive and well stated. For the public stated examples of what does and does not qualify as professional engineering services would be beneficial. For example, the shaping of ground to collect rainfall and pipework to route the collected rainfall to a stormwater system is done by a professional engineer. The shaping of ground for landscaping alone is not.*
>
> (86) Engineer

Registration of all professional engineers

Submitters were asked if they agreed that the regime should cover all professional engineers. Half of the submitters that responded (50 per cent) responded positively as they considered that there should be widespread registration of engineers. However, some of these submitters suggested disciplines that are already regulated under another scheme should be exempt as these fields are better regulated within the specific context of the field. Other submitters told us specific activities, for examples those that carry high risk should be regulated rather than the whole occupation.

> *It seems sensible for engineers to be covered by the same registration and licensing conditions (if applicable), code of conduct and related disciplinary process, no matter*

[1] The definition was "any person who provides professional engineering services i.e., any act of planning, designing, composing, evaluating, advising, reporting, directing, supervising, or managing, that requires the application of engineering principles and judgement and concerns the safeguarding of life, health, property, economic interests, the public welfare, or the environment".

the particular field they operate within. It is unlikely that members of the public appreciate the differences between the different types of engineers, so to omit certain engineers from the regime would risk undermining the goal of giving people confidence in the engineering profession. Leaving some classes of engineers out of the regime could also be seen as an indicator that that practice field or class(es) of engineers are less risky than others, which, may not be accurate, and may be problematic for the Government to be signalling, should a serious incident subsequently occur.

Insurance Council

Some submitters, who disagreed with the proposal to register all engineers, told us regulation should cover all engineers except for fields with comparable existing registration or licensing regime. Other submitters also told us that only high risk; life-critical aspects of engineering work should be regulated.

I think all professional engineers should be included in the base register the same as other professions. But for licensing there are likely some double ups such as aviation and electrical which may have separate licensing systems in place, these will need considered on a case by case basis.

(80) Engineer

There are multiple aspects of engineering that are not focussed on high hazard or life safety and therefore a one size fits all registration isn't necessary, rather a fit for purpose registration for those practicing in the life critical and high hazard industries.

(38) Engineer

Title protection

In the discussion document, we proposed that registered engineers would be entitled to call themselves 'professional engineer'. We asked submitters in Question 7 whether this title should be protected from use by those who are not registered.

The majority of submitters (69 per cent) supported a protected title. A number of submitters told us this would ensure public transparency and be understandable to the public. Other submitters commented that the title should be specific to an individual's area of practise. On the other hand, some submitters were concerned with the confusion that may arise from a broad title like the professional engineer title we had suggested.

On the other hand, a collection of submitters (15 per cent) opposed the introduction of a protected title. There were varied reasons for submitters' disagreement, with some telling us the CPEng title was fine as it has brand recognition and is consistent with terminology used in the United Kingdom, while others suggested expanding on that title.

Submitters who responded to this question also suggested alternate titles that could be used. These include registered engineer, CPEng, chartered engineer, registered professional engineer, and simply engineer.

"Registered" Engineer would be a starting point. The field of "Civil", "Mechanical", "Electrical" etc could be added to let the public see up front what the area of expertise entailed.

G Tech Industrial Ltd

No. Expanding the CPEng title for specific critical areas of work would be a better solution. The CPEng title could remain for general engineering competence, with sub-categories for specialist areas of work where additional specific competences may be required.

(121) Engineer

Minimum standards

MBIE anticipates that a registered engineer would have an engineering qualification and be a fit and proper person. We proposed the bar for registration being set at a level that ensures all (including newly qualified) professional engineers become bound by a code of conduct, continuing professional development requirements, and can be accountable for their performance and behaviour.

Most submitters (80 per cent) were of the view that a qualification alone was not sufficient for registration as it did not confer competency. Rather, an element of experience and an assessment of competence should be required before an individual is registered. Even some of the minority of submitters (13 per cent) who told us that a qualification was enough also suggested that experience and an assessment of competency should also be required.

For what MBIE is proposing, a qualification or equivalent knowledge assessment should be sufficient. Licencing, and possibly maintaining a higher quality mark at the level of the current CPEng and Chartership level for voluntary assessment would be sufficient to indicate engineers with competence and experience. The voluntary CPEng or equivalent providing proof of experience in engineering outside the high risk or safety critical work covered by licencing. It also has equivalencies in other countries.

(133) Engineer

A minority of submitters considered that a qualification was enough to become registered.

We support MBIE's proposal that the registration of practising engineers should be early in an engineer's career, upon the completion of a suitable qualification and a commitment to a Code of Ethical Conduct and CPD. We also recommend that to be registered and obtain a practising certificate, engineers must complete some manner of professional induction or training. New graduates have had limited exposure to what it means to be a professional. Undertaking professional induction or training will go some way to introducing professional standards early in a new engineer's career. Professional induction or training provides an opportunity for exploration of the Code of Ethical Conduct, cultural competency training and other aspects of professional responsibility. Many firms already run strong graduate programmes under the guidance and mentorship of more senior staff. There are opportunities to support and strengthen what the industry has developed.

Engineering New Zealand

Submitters were of the view that limiting registration to those with an engineering qualification (such as a Washington Accord level degree or equivalent) would exclude engineers that fall outside traditional disciplines.[2] Submitters also pointed out that Engineering New Zealand already has a process to assess the competence for engineers that do not hold Washington Accord qualifications, and suggested using this type of assessment.

[2] Examples include instrument engineers, control system engineers, safety and risk engineers, construction engineers, cost engineers, and project engineers.

Yes, this limitation would exclude many people who come into engineering with lower initial qualifications but who have gained the equivalent level of knowledge and skills through on-the-job training. Everyone performing and practising engineering should be captured by registration. It is the licensing that should capture specific competencies to undertake certain roles and high-risk work. For this reason we recommend the inclusion of Engineering Technicians, Engineering Technologists, and Engineering Geologists into the regulatory regime.

Auckland Council and Auckland Transport

As overseas engineers would need to be registered to practise unsupervised in New Zealand, we asked submitters if they engaged overseas engineers, and if registration would affect their ability to engage their services. We also asked if overseas engineers would be able to work under the supervision of a local engineer.

The majority of those who said that they did utilise the services of overseas engineers submitted that it was necessary to have these engineers registered, to show that they had sufficient knowledge. If they could not be registered, then they would be expected to work under the supervision of a registered engineer.

Overseas Engineers should be able to work under the supervision of a local engineer. Registration should be optional for overseas Engineers.

(136) Engineer

A group of submitters considered requiring overseas engineers to be registered would make hiring overseas engineers for short-term projects far too complicated, and therefore making it a less viable option.

A few submitters suggested that there be reciprocal recognition of overseas registration such as those from Australia and the UK as overseas engineers were needed in New Zealand. Some of these submitters considered; however, that this should not be for high-risk work.

Fire and Emergency does employ engineers form [sic] *overseas and we have also engaged overseas engineering firms to undertake services (such as the audits).*

For those engineers who have been engaged to audit the local market, having them work under the supervision of a domestic engineer is likely to create a conflict of interest. This would be the case if the local engineer was directly employed by either Fire and Emergency or an external consultant.

Requiring the engineer undertaking the audit to be registered in New Zealand may limit the pool of available auditors.

Fire and Emergency New Zealand

Code of conduct

We noted in the discussion document that registration is intended to provide a base level of professionalism. This base level is set through a code of conduct and improved through continuing professional development obligations, which we propose to introduce in the system.

An overwhelming majority of submitters (88 per cent) supported all engineers being subject to a code of conduct and continuing professional development. They cited the need for potentially major consequences for poor behaviour and not keeping up with changing practices.

> *Code of conduct is 100% absolutely mandatory in my opinion. There should be a clear code of conduct and ethics, and there should be severe penalties for anyone that breaches. Without tangible, personal consequences for unethical behaviour and negligence, why would anyone ever be incentivised to work professionally? Continuing professional development is a bit of an admin nightmare, but it is important. Ideally there would be a streamlined process for registering this info.*
>
> (6) Engineer

Only a small number of submitters (10 submitters, 6 per cent) opposed both the code of conduct and continuing professional development (CPD). Those against the idea of a continued professional development structure in particular submitted that it can become paperwork for the sake of paperwork in some fields, and not provide any real benefits.

> *CPD obligations in some fields, where there is little change (e.g. civil drainage) are of little use. Again, as the definition / capture of the proposal is so wide, it is difficult to see how a CPD requirement is going to work, or be relevant to many. A code of conduct, which is being imposed on people, rather than signed up to is also difficult to support. Having a code of conduct & CPD for those that choose to undertake high risk activities, which can be tailored for those activities would make far more sense.*
>
> (96) Engineer

Practising certificate

We asked submitters about introducing a practising certificate which would be issued by the regulator and be renewed periodically. It would also be used to confirm that registered engineers remain competent and have fulfilled their continuing professional development obligations.

Most submitters (75 per cent) supported the proposal of a practising certificate. These submitters told us that the benefits would be similar to those that are currently felt through the similar CPEng model. Some highlighted the similarities to the current CPEng model, and submitted that a practising certificate would only work if the CPEng one was closed down.

> *Yes, a practising certificate upon demonstration of the CPD requirement being met by registered engineers is good. Also, the regulatory body should keep a register of all engineers' status to practice in New Zealand. It should be required for registered engineers to periodically (annually, 2-yearly) to submit a summary of their Continuing Professional Development (CPD). The Regulatory Body can and should periodically audit registrants randomly for CPD activities.*
>
> Damwatch

A few submitters were against the idea, primarily due to the potential added bureaucracy.

> *A practising certificate is no different to having ones name on a register. However note that the process needs to go further than current CPD requirements as these do not*

ensure continued competence or continued professionalism, at best they allow for maintenance of knowledge in relation to relevant products and processes.

(222) Engineer

Submissions on the renewal timeframe of the practising certificate were varied, but the majority of submitters favoured somewhere between two and six years. Reasons for the submissions included keeping costs for renewal down, and alignment with international and oversees licences. A group of submitters also proposed an annual renewal.

EWRB [Electrical Workers Registration Board] *is 2 years, as long as the assessment is not too long why not 2 – 5 years. The key is to make sure it is tied to the engineer's field of work and complexity.*

(61) Engineer

The discussion document also asked if the issuing of practising certificates should be contingent on the completion of continuing professional development requirements. Seventy-four per cent of submitters said that it should, as it would ensure that engineers were competent when renewing. Some also felt that the continuing professional development would be pointless if it were not a condition of renewal.

Yes, otherwise there is no other mechanism. This is done in other professions such as lawyers, accountants and financial services.

(97) Engineer

Engineers registered under other regimes

We noted in the discussion document that in the absence of a regulatory regime for engineers, parallel systems have been developed to ensure engineers are competent, for example regulations that exist for electrical engineers. We asked submitters for their views on whether electrical engineers and other engineers registered under parallel systems should continue to be registered under their existing systems, or whether they should be brought into the proposed regime.

There were mixed views from those who submitted on the existing electrical engineers' system. Many submitters (66 per cent) thought these engineers regulated under other regimes should be required to be registered, citing reasons such as the benefits of having all engineers under one regime, such as transparency to the public, and confidence that all engineers were being held to the same standards.

I think all engineering disciplines should be included in the new registration body without exceptions to avoid misunderstandings and providing equality.

(28) Engineer

All professional engineers should be in the regime. If what the do requires them to be on another register, then they need to be on both registers.

(73) Engineer

However, a group of submitters (11 per cent) supported electrical engineers and other regulated engineers remaining under the existing systems, pointing out that there was no need for change if it was working as it should. Particular mention was made of aviation and maritime engineers.

Engineers whose activities concern organisation areas which are regulated by the CAANZ should be exempt.

Air New Zealand

Pathways for others in engineering field

We sought submitters' views on whether our proposed reforms should include engineering associates, engineering technologists, engineering technicians and engineering geologists, and whether registration for these practice fields should be mandatory. We also asked submitters whether a recognised statutory credential is of value for these fields.

Most submitters (68 per cent) supported the inclusion of practice fields for various reasons including the risks posed if members of these professions did not perform to the standards required. A common suggestion was to have them captured within the regime, but on a separate register.

Yes. Engineering is a system and failure by members of any of these groups could result in serious consequences that may not be picked up by other engineers without their specialist skills.

New Zealand Geotechnical Society

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.

New Zealand Institute of Building (NZIOB)

Conversely, many submitters (15 per cent) opposed the inclusion of the four practice fields, primarily to protect the title and to make it clear to the general public who the registered engineers are.

Part 3: Licensing

Licensing certain engineering practice fields

We proposed setting up a framework to restrict certain engineering practice fields to engineers licensed in that field, as this would ensure that only competent practitioners with relevant expertise could provide engineering services. We also proposed that the Minister be able to recommend what practice fields should be licensed and asked whether submitters preferred the greater certainty but reduced flexibility of primary legislation, or whether they were comfortable with a framework that could adapt to the changing needs of the profession.

The majority of submitters (66 per cent) preferred licensing classes be decided by the Minister and set in regulations. Many of these submitters preferred this option as it would provide flexibility and allow for changes to be made when needed. Some submitters raised concerns about having to engage the parliamentary process to change classes if this was prescribed in legislation, with some noting that legislative change could take a long time.

> *We currently have a very good idea of high risk, safety critical engineering fields. The ability to add or subtract from this list as technological advances evolve or new engineering risks develop ensures there is flexibility to adjust the regulatory regime to suit changing needs of the profession*.
>
> (45) Engineer

Other submitters preferred the certainty of having license classes specified by primary legislation.

> *I would support having greater certainty over what practice fields would be restricted. The profession should have input over what practice fields require licensing.*
>
> (151) Engineer

Ensuring engineers meet a high bar to be licensed

We asked submitters what sort of eligibility requirements for licensing would provide a suitable level of assurance on an engineer's expertise. We received a range of suggestions including experience, qualifications, or passing an exam. These suggestions will be drawn on when regulations are developed for future licensing classes.

Ongoing competence of licensed engineers

We sought submitters' views on the ongoing competence of licensed engineers, including how often checks should be conducted, and what tools would be most useful in checking competency for practice fields.

An overwhelming majority of submitters (87 per cent) supported continued competency checks. Submitters also commented that checks should ideally take place at intervals, with some suggesting every five to six years. Those who preferred six years told us it would be appropriate to adopt CPEng's approach of renewal every six years as this currently worked well. Other submitters suggested the frequency be less than five years; however, many did not provide reasons for their suggestions. Others thought checks could be conducted when it was necessary, for example, to check if there has been negligent practice or complaints. These submitters preferred this, over requiring an added assessment for licensed engineers, as they already undertake assessments.

Some submitters did not suggest how often checks should be carried out but did tell us that this should be determined by the regulator and relevant technical groups. These submitters

also commented that the frequency of checks may differ depending on licence classes. Bi-annual checks were suggested for high-risk practice fields. Others told us there could be different trigger points for a check, including time not practising, changes to recommended practices or time not practising in a different field.

> *CPEng is already relatively onerous; making it more regular seems unreasonable. Having additional checks as part of a complaints/disciplinary process seems reasonable, but don't apply this to people who are undertaking their work skilfully and not subject to complaints. A competent Engineer practicing regularly should already have had their competency assessed in the intervening period through Peer Reviews on projects.*
>
> Powell Fenwick Consultants

> *6 years. The framework of the ENZ 6-yearly CPEng renewal is very good and can be carried across to the licensing regime. It is understood the requirements of license competency will be different than CPEng.*
>
> (86) Engineer

Adapting the CPEng framework

Submitters were asked whether they would prefer using the CPEng for licensing classes rather than creating a new credential.

A small majority of submitters (49 per cent) supported adapting the CPEng credential for licensing classes; however, a large number of submitters disagreed and supported the creation of a new regime (40 per cent).

Those who preferred the using the CPEng credential told us the scheme was established, well understood, and worked well. Some submitters suggested retaining the CPEng title with the addition of a practice field or including of an appropriate licensing class.

Submitters that preferred the creation of a new licensing regime raised concerns about the confusion that would be created if CPEng remained after the introduction of a new licensing system. These submitters said it would be appropriate to have a new set of credentials in the new regime. Some submitters likened this to the confusion caused by the chartered member class when it was introduced by Engineering New Zealand.

> *Mercury supports using the Chartered Professional Engineering (CPEng) credential wherever applicable for licensing class rather than create a new credential as most of the requirements are already covered within the CPEng framework.*
>
> Mercury New Zealand Ltd

> *No, SESOC believes CPEng should be repealed and replaced. To avoid confusion there should be no further talk or reference to CPEng. CPEng is no longer widely seen as a quality mark in the structural engineering field.*
>
> Structural Engineering Society New Zealand

Licensing companies

We asked submitters if they preferred the option of licensing companies instead of individuals. The discussion document noted that we did not prefer licensing companies. This is because licensing individuals ensures individuals are competent to practise in a high-risk field without

supervision. The discussion document also noted that there were other tools such as the *Health and Safety at Work Act 2015* to hold companies and their directors to account.

The majority (63 per cent) supported individual licensing. Many of these submitters commented on the greater assurance and accountability that would result from the competence assessment of individuals before a licence was provided. Some submitters raised concerns about licensing companies and the risks that would arise if an employee of a licensed company was involved in malpractice.

Only a group of submitters preferred companies to be licensed. Some of these submitters said companies should be licenced as they provide services (for example, large scale projects), not sole individuals. Some submitters also commented that this would allow for international engineers to work temporarily under a company licence.

Many submitters (25 per cent) supported the licensing of both individuals and companies as this would allow for a greater way of addressing risk. A few submitters commented that companies should be responsible for certifying engineering work and ensuring that only engineers with suitable expertise work on particular projects.

> *[We support] professional chartership and registration with international and local professional institutions, including IChemE, IEEE, SPE, IMechE and EngNZ. As our industry relies on expertise from all over the world, any registration and licencing regime must have clear pathways for international recognition where such institutions exist, clear processes for recognising prior knowledge and in-house professional training and must enable international specialists to provide short-term or emergency engineering services without full registration or licensing of individuals (for example, specialist international contractors for subsea maintenance work). Having a company registration option where the company is ultimately responsible for specialist competency may be a way to achieve this.*"
>
> OMV

> *I continue to encourage MBIE to take a systems view of identifying and addressing risk. One option to address risk is to licence companies, although this comes with compliance costs that will have significant implications for small to medium engineering businesses. As an alternative to licencing companies, MBIE may wish to restrict the ability of businesses to advertise engineering services to those whose engineers are registered or hold a licence.*
>
> (119) Engineer

Part 4: Governance arrangements

Two-tier regulatory model

We asked submitters for their views on establishing a new two-tier regulator governance arrangement, which would have a regulatory board and a regulatory services provider. We suggested that either Engineering New Zealand or MBIE could become the regulatory services provider. We also proposed functions for the regulator and regulatory services provider that we asked submitters for their views on.

The majority of submitters (81 per cent) generally supported the two-tier model while a collection of submitters (19 per cent) opposed the model. Those who supported the model told us it would increase accountability and oversight of the administration of the proposed scheme. However, those who opposed the model told us that a two-tiered model was unduly bureaucratic, a single tiered governance structure was sufficient, and that self-regulation of the profession was sufficient.

In addition, most (77 per cent) also told us they preferred for Engineering New Zealand to be the service provider. However, there was a nuance amongst these submitters, with a number being of the view that if Engineering New Zealand did have a role, there needed to be further separation in the scheme between licensing and registration functions, and complaints and discipline. Submitters told us that Engineering New Zealand's industry experience and expertise, made it be best placed to make judgement calls about competency and meeting minimum standards. Many submitters (18 per cent); however, preferred an organisation with expertise that was independent from an engineering advocacy group.

Submitters also broadly agreed (85 per cent) that the split of functions between governance and the administration of the scheme was appropriate. Only a small group of submitters (13 per cent) disagreed with the proposed functions of the regulator. Those who supported the proposed function told us the regulatory board should be able to delegate complaints and disciplinary functions because the skills required of a governance board are different from the skills required for a professional disciplinary body. Many of the submitters who disagreed with the proposed functions did provide a reason for their choice.

> *This looks sensible. As stated elsewhere in my response, the regulatory authority needs to have a focus on both the management and support of engineers who are professional and compliant, a role that would be very suitable for the existing Engineering New Zealand (ENZ) organisation, as well as a focus on the identification and enforcement of activities by non-engineers, unregistered engineers, sub-standard engineers and the customers who enable/promote their existence by engaging them. The latter role would not fit within the strengths or current capabilities of ENZ, and would suit a more centralised government enforcement department.*
>
> (9) Engineer

> *Need to ensure that investigations and hearings etc are undertaken by people with the right knowledge and skill set as failures are likely to be very technical*.
>
> (159) Engineer

Grounds for discipline

Submitters were asked for their views on a number of proposed grounds of discipline from the *Chartered Professional Engineers of New Zealand Act 2002*, and the Licensed Building Practitioner Scheme in relation to restricted building work.

Submitters broadly supported the listed grounds for discipline. However, some submitters told us there was too great a focus on disciplining registered engineers and no grounds for disciplining non-engineers or non-registered engineers. Other submitters thought the proposed grounds were too vague and suggested that we look at Engineering New Zealand's ethical code of conduct and relevant practice notes as these have more specific disciplinary grounds.

Submitters also raised concerns about the lack of specificity around being convicted for an offence before or after registration. Many of these submitters raised were concerned that convictions unrelated to engineering would be captured, which would mean individuals could be disciplined for offences they had already been disciplined for, which would be unfair.

> *Being convicted of an offence before or after registration that was punishable by term of imprisonment of no less than six months" Shouldn't this specify an offence relating to engineering? This would mean someone convicted of a criminal offence decades earlier would never be able to work in engineering. This is discriminatory.*
>
> (166) Engineer

Part 5: Implementation

Transitional arrangements

We recognise that there are some challenges to implementation that will need to be addressed before the new system is in operation, and this will take time. To make this transition process easier, we proposed that the new regulator have the ability to automatically deem some engineers as being registered, as these engineers would already meet the eligibility requirements for registration and potentially licensing.

The majority of submitters (75 per cent) supported this ability for practical reasons including continuity, with a further group of 15 per cent of submitters supporting the proposal with caveats. Submitters who supported the proposal outright told us automatic deeming should align with the practice area in which a practitioner qualified. Others told us it would be important to ensure existing practitioners were vetted for competence against the new assessment standards, whether that be at the time of deeming or at their next competence assessment. While the smaller group supported grandparenting some engineers as registered but raised concerns about grandparenting some engineers as licensed.

Submitters also suggested how we could transition to the new regime. These suggestions included transitioning one discipline at a time or phasing the new regime in, while others commented on the importance of communicating transition timeframes to engineers.

> Yes, *but there should be logical bases on why they are automatically registered such as but not limited to their previous records of qualifications, experience, records based on council submissions and their previous assessment with EngNZ.*
>
> (60) Engineer

> *We support MBIE's high-level transition plans as outlined in the consultation document. As noted above, the key to a successful transition is providing sufficient time for those requiring a license in the new regime to attain that title (i.e., be assessed and evaluated etc) before the actual requirement to hold a licence to do high risk work is triggered. Depending on where MBIE's proposals land, we will work on behalf of the profession to support clear and transparent transition plans.*
>
> Engineering General Practitioners

The future of the CPEng

We asked submitters about the future of CPEng as we propose to disestablish it in favour of the new registration and licensing regime.

There was a small margin between those who supported the disestablishment of CPEng and those who wanted it to be retained. Many submitters (46 per cent) supported the retention of CPEng as it worked well, was recognised and was consistent with what other jurisdictions used. A few submitters suggested that CPEng could be retained as a prerequisite to licence classes or have a place in the new scheme.

However, many submitters (39 per cent) disagreed with retaining CPEng. Some of these submitters raised concerns about the confusion that would be arise around who is and is not an engineer if there is a new protected title in the new scheme and a separate CPEng credential. Many of these submitters told us one or the other should be chosen. A few submitters commented that it is already confusing to distinguish between chartered members and CPEng and the benefits that come with these titles.

Other submitters thought CPEng served only as an honorary badge, and the status did not guarantee quality work, rather it only showed the area of expertise that an engineer had applied for and was assessed against.

> *My view is it should be disestablished to ensure no confusion between the old system and the new licensing categories. New professional titles should be established.*
>
> (80) Engineer