

31 October 2014

Submission to the Ministry of Business, Innovation and Employment (MBIE) in regard to “Proposals to Change the Occupational Regulation of Engineers in New Zealand”

Introduction

1. The New Zealand Registered Architects Board (NZRAB) has been invited to comment on proposals to reform the way the occupational regulation of engineers in New Zealand is organised.

Overview

2. From the NZRAB’s perspective, the key elements in the proposal are as follows:
 - A better way needs to be found to manage the conflict of interest between IPENZ as an advocacy body for engineers and IPENZ as the registration and discipline body for engineers.
 - To this end, it is proposed that the Registration Board inside IPENZ should be appointed by the Minister with half of its members being nominated to the Minister by the Institution of Professional Engineers of New Zealand (IPENZ), unlike at present where IPENZ appoints the Board members.
 - A new entity should be created to hear discipline cases where penalties may be imposed, taking this function out of IPENZ.
3. The detail of how the occupational regulation of engineers in New Zealand should be organised is a matter for the parties directly involved.

Occupational licensing for architects

4. However, for architects, the conflict of interest between advocacy, registration and discipline is managed appropriately, in that:
 - the NZRAB registers and disciplines architects
 - the NZRAB is administered by a Board appointed by the Minister with half its members nominated to the Minister by the New Zealand Institute of Architects (Inc) (NZIA)
 - the advocacy needs of architects are met by the NZIA, membership of which is voluntary.
5. Thus the NZRAB has a clear and explicit statutory task to register and discipline architects, and maintain a public register. The NZRAB’s eight-person board is appointed by the Minister, ensuring that, to paraphrase the words of the consultation document, the government has appropriate leverage over the (architects’) registration authority.

6. In addition, and again to paraphrase the consultation document, the architects' profession plays its leadership role in the occupational regulation for architects. This is because currently six of the eight NZRAB board members are Registered Architects and of these four are nominated to the Minister by the NZIA. Also, individual registration decisions are made on the basis of recommendations by senior architects who have assessed the applicants.
7. Separately, the NZIA is free to advocate for architects as it sees fit, given that it is a voluntary membership organisation independent of the government and the NZRAB.
8. The NZRAB is of the view that these arrangements are clear cut, simple and easily understood in terms of both the occupational licensing of architects and representation of their interests as a profession.

Occupational licensing across the sector

9. The consultation document raises a number of issues about the licencing of the engineering profession that are equally issues across the broader 'design for construction' professions and we would urge that more comprehensive reforms be considered.
10. The consultation document, correctly in our view, proposes in section 5 issue 1 that only a chartered professional engineer registered in an appropriate practice field should be able to certify the structural integrity of the design of buildings that require a building consent and are:
 - commercial buildings; or
 - multi-unit/multi story residential buildings; or
 - assessed by BCAs as being complex in design and structure.
11. The consultation document says that this is to "provide greater assurance that people with the right knowledge, skills and competence are designing commercial and multi-unit/multi-storey residential or complex buildings" in order to deliver greater assurance that "commercial and multi-unit/multi-storey residential buildings are safe."
12. Safety extends well beyond primary structural considerations, as seen in Wellington buildings when the Seddon earthquakes caused failures of secondary building systems (particularly fire sprinkler systems and suspended ceilings), and from the widespread failure of building cladding systems (leaky buildings).
13. Consequently the NZRAB has formed the view that in addition to the proposal that only a chartered professional engineer (registered in an appropriate practice field) could certify the structural design of these buildings, similar distinctions should apply within the architectural design community.
14. This is proposed on the basis that currently there is no comprehensive requirement for those who undertake this work to have appropriately mandated experience and competencies, the latter of which we note has three key competencies, these being skills, knowledge and attitudes.
15. The NZRAB notes also that the Royal Commission on the Canterbury Earthquakes in its recommendations 163 and 185 identified a need for greater and earlier collaboration and

information sharing between engineers and architects. With respect to specific projects this has seen an acceptance by the professions as a need for structural (and often geotechnic) engineers to be commissioned at the same time, at the commencement of the project, and for design proposals to be developed collaboratively in the interests of safety, rather than structures being forced to fit a predetermined architectural concept.

Comprehensive occupational licencing in the design sector

16. For some time, the NZRAB and IPENZ have advocated the rationalisation of occupational licensing in the sector into three main groupings, these being based on:
 - the construction trades
 - engineering
 - architecture and design.
17. Thus:
 - the construction trades would continue to be licensed by the Licensed Building Practitioner Scheme
 - the various different levels among engineering professionals would be registered/licensed by IPENZ
 - a revamped NZRAB would register/license architects AND the designers currently licensed by the LBP Scheme.
18. The NZRAB believes that new arrangements along these lines would be effective and durable for the sector as a whole, and would draw together architects and architectural designers as professionals. In particular, the development of interconnected registration standards for architects and architectural designers would make it easier for architectural designers, if they wish, to up-skill and become architects; so that both consumer interests and design standards would be improved.
19. The NZRAB already has a procedure to allow this stair-casing to occur, which could become a much more natural transition in a single entity registering both architects and architectural designers, and if the registration standards for both groups dovetailed in the right way. Skilled practitioners in the sector would be encouraged to extend their professional capabilities, thereby contributing more to the New Zealand economy.
20. At the same time, the confusion that often occurs among the public as to the respective roles and capabilities of architects and architectural designers could be better managed and communicated.
21. The NZRAB is available to provide further information, if required.

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