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Streamlining the Licensed Building Practitioner Scheme

Submission to the Department of Building and Housing (DBH)
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Background to IPENZ

The Institution of Professional Engineers New Zealand (IPENZ) is the lead national professional body representing the engineering profession in New Zealand. It has approximately 10,000 Members, including a cross-section of the engineering community from students to senior Fellows – Members in management or governance positions in important design or construction organisations. IPENZ is non-aligned and seeks to contribute to the community in matters of national interest giving a learned view on important issues, independent of any commercial interest.

Executive Summary

IPENZ generally supports streamlining the Licensed Building Practitioner (LBP) scheme.

IPENZ does not seek a face-to-face meeting with DBH on this submission, but will meet on request.

Submission

Before answering the specific questions, IPENZ wishes to reinforce its view that changes related to the LBP scheme should be consistent with our preferred occupational regulation model which it has discussed on a number of occasions with senior DBH officials. This model features:

- a single registration system (but multiple registers) for the engineering occupational groups
- a single registration system (but multiple registers) for the architectural/design occupational groups
- deeming these registrants to be LBPs
- restricting the LBP scheme to specialist construction trades and site supervisors.

This model completely removes the need for Design LBPs – the necessary registrants would be deemed to be LBPs on the basis of engineering or architectural/design registration.

Level	Engineering	Architecture/Design	Construction
Professional	Chartered Professional Engineer (CPEng) + other new registers under revised CPEng Act	Registered Architect + other new registers under revised Registered Architects Act.	LBPs on recognised trades registration systems.
Para-professional			
Technician			
Trade			

IPENZ is also conscious that building-related occupational registration serves two purposes:

- the requirement for LBPs to perform restricted work
- as a means to establish competence of a person presenting producer statements and/or other evidence of compliance to Building Consent Authorities (BCAs).

The latter requirement leads to a need for competent engineers who are not necessarily CPEng but are undertaking or supervising building work to be eligible for deeming as LBPs. In order to prevent restraint of trade in tasks other than specific structural or fire engineering design, if the engineering content of the building work is below the CPEng level, it is necessary to recognise more than one level of engineering competence. IPENZ does this internally already and recommends that the wider need be recognised. IPENZ notes that engineering registers also serve other regulatory systems, e.g. Health and Safety, Transport, and HSNO.

Our answers to DBH’s detailed questions should be read in the context of the above principles.

- ***Proposal 1 – Giving greater recognition to trade-qualified practitioners***

Competence is “artful doing” based on actions informed by up-to-date knowledge; not acquisition of knowledge alone. Hence, practitioners with a theory-only trade qualification should not be fast-tracked, as competence assessment must include familiarity with current practice.

- ***Proposal 2 – Simplifying the building categories for the Site and Design licensing classes***

IPENZ supports simplifying the building categories. The system must be easily understood and adopted by society as a whole to rebuild credibility and confidence in the building industry.

Some IPENZ Members are concerned that a one-tier structure will require all designers and site supervisors to exercise judgement of their own competence when undertaking work, and these Members are concerned that those with inflated ideas of their own abilities may be tempted to practise outside their competence placing their clients and others at risk. The complaints and disciplinary process is the mechanism to counter this behaviour, and it relies both on Members fulfilling their ethical obligation to report such occurrences and regulators to provide feedback to the relevant registration authority when it finds evidence of engineers (or any other registered practitioner) practising outside their area of competence.

Some Members support a two-tier LBP structure, with the lower level (Category One) covering relatively simple houses constructed in areas rated as up to 'very high wind zones' (coastal regions in Northland, Coromandel, Wellington, Banks Peninsula), using the acceptable solutions of NZS 3604 (timber) and NZS 4229 (concrete masonry) with an envelope weathertightness risk ≤ 8 and a roof height ≤ 10 metres. All other buildings would be regarded as Category Two. Builders without formal design and management qualifications would be licensed for Design One and Site One buildings, while only those with proven current competence would satisfy the requirements for licensing for design and/or construction of all Category Two buildings.

DBH's suggested simplification of the three-tier structure is also acceptable to some IPENZ Members. There is a suggestion that the medium-sized apartment buildings and medium-sized commercial buildings mentioned in DBH's Proposed Option 2 could actually be quite large and important structures which should be designed, monitored, and supervised on site by Class 3 Design and Site LBPs, which leads us back to a two-tier system. However, if a three-tier system is to be retained, then the Category 2 buildings could be described as complex houses to moderate-size apartments and small commercial buildings. These would include houses with a weathertightness risk > 12 but the highest occupied floor ≤ 10 metres above the nearest available exit, and no basement. If there is a basement, a ground floor, and an occupied level above this, (three floors total) then the building would be Category 3.

There is no clear consensus amongst IPENZ Membership on the best option.

- ***Proposal 3 – Reinforcing the importance of licensed building practitioners working within their individual competence.***

IPENZ believes there must be a strong obligation for LBPs to work within their individual competencies, whether or not they are licensed for a particular class of work. IPENZ makes this an ethical obligation on Members who are technicians, technologists, or professional engineers.

Nevertheless, clearly defined career paths should be available for building practitioners who want to expand their skills and be assessed at higher levels of competence.

- ***Proposal 4 – Not proceeding with licensing groups of practitioners where the costs outweigh the benefits.***

IPENZ's proposal set out above would be enacted by giving the Minister the power to create new registers under the CPEng Act. IPENZ's view is that before exercising that power the benefit-cost should be assessed. Thus, IPENZ supports in principle only licensing where there is a clear public good.

IPENZ encourages all technical people to take part in national competence-assessed registration schemes, and provide these for technicians, technologists, and professional engineers.

- ***Proposal 5 – Recognition of other statutory registration schemes.***

IPENZ agrees that treating Chartered Professional Engineers as if they hold a Site 3 LBP licence is appropriate. IPENZ advocated this in its 2007 submission, and is pleased that DBH has taken up the idea.

As indicated above, IPENZ advocates the extension of the CPEng Act to include technologists and technicians, and in the event of this occurring, and the three-tier Site and Design LBP system being retained, would want technologists to be deemed to hold Design 2 and Site 2 LBP licences, and technicians similarly for Design 1 and Site 1.

IPENZ also notes the intention of BCAs to form a non-statutory IQP register. This is an example of good practice. If however the lack of statutory powers becomes problematic then the IQP register could be shifted to the revised CPEng Act IPENZ has proposed.

Conclusion

IPENZ is generally in favour of streamlining the LBP scheme.