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## Licensed Building Practitioner Scheme

Submission to the Department of Building and Housing (DBH)  
26 March 2007

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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 the development of the Licensed Building Practitioner (LBP) scheme and considers that the following modifications would further strengthen it.

To minimise the potential for confusion in the minds of both LBPs and the general public, the three sets of rules governing LBPs (Registered Architect [RA], CPEng and LBP) should operate as consistently as possible.

IPENZ questions the intention to use single assessors and believes that two-person assessment panels should be used for assessing Design 2 & 3 and Site 2 & 3 applications because there is a need to assess professional judgement. The rules should be constructed so that all assessment tools (desk check, interactive, written assignment, referees) are available to every assessment panel/assessor, with the onus on the assessors to decide how many of these tools they need to conduct a valid assessment in each case.

CPEng registrants have already demonstrated the competence to solve complex engineering problems and take responsibility for complex engineering activities. Therefore they should automatically be granted Site 3, concrete placement, steel placement and building services installation licences in the same way and for exactly the same reasons they are automatically granted Design 3 licences.

The concept of two-yearly Continuing Professional Development (CPD) returns for assessing current competence is too weak. It should be augmented by requiring those LBPs who have been issued more than two notices from BCAs within a 12-month period notifying of low quality work to undergo more rigorous reassessment.

The rules should minimise further assessment of those who have already gained registration on a national current competence-based register (such as Engineering Technology Practitioners for Design 2 and Site 2 licences, and Certified Engineering Technicians for Design 1 and Site 1 licences), with the fees being rebated accordingly.

Some specific comments are made on particular competencies, with the main concern relating to Competency 5 for the design classes.

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

## Submission

- ***Routes to LBP to be consistent***

To minimise the potential for confusion in the minds of both LBPs and the general public, the three sets of rules governing LBPs (Registered Architect [RA], CPEng and LBP) operate as consistently as possible. Given that CPEng and RA rules already exist, DBH should discuss any differing LBP rules with the other rule-making bodies before they are finalised.

- ***All robust assessment tools should be available to all assessments***

IPENZ appreciates the desire to minimise costs and resource requirements, but is concerned that all assessments be robust. It recommends that all commonly used assessment tools (desktop assessment of written documentation, referees' statements, interactive assessment, and controlled written assignment) are made available for each assessment with the assessor(s) deciding whether a valid assessment of competence can be completed without needing to use all assessment methods.

- ***Two-person assessment panels for levels 2 and 3***

IPENZ has concerns about the intention to use single assessors. In our experience, particularly at levels 2 and 3 for both Design and Site licences, there is a considerable amount of judgment exercised by practitioners. In these cases a second assessor allows for debate about issues of judgement, and thus would lead to much more robust assessments. At Design 1 and Site 1 levels it may be less important.

- ***CPEng (and possibly RA) to be automatically licensed as Site 3, concrete and steel placement and building services installation as well as Design 3***

IPENZ notes and agrees with the previous Cabinet decision that CPEng registrants (and RAs) will automatically be licensed as Design 3 licence holders and be exempt from the relevant parts of the Act. It should be confirmed that this decision means that:

- CPEng will not undergo further assessment (for either initial or ongoing registration/licensing)
- CPEng will not pay further fees
- CPEng will present their CPEng practicing certificate as proof of their licensure
- all disciplinary matters will be covered under the CPEng Act

Those CPEng registrants whose competence is outside construction will never use the LBP licence because they self-certify that they do not have the competence to perform restricted building work.

IPENZ strongly advocates the use of a similar approach for Site 3 and the three upcoming licence classes (namely, in supervising concrete, steel and building service construction). CPEng registrants demonstrate their competence in their own (personal) practice area. This includes demonstrating that they can work within the New Zealand jurisdiction (in terms of legislation and regulation), can solve complex engineering problems, design solutions to complex engineering problems, and manage complex engineering activities. If the engineer's practice area was construction management they would have proven their competence in solving complex construction problems and taking responsibility for managing complex construction activities to achieve CPEng. The CPEng Rules include a code of ethical conduct that forbids a CPEng from working outside their area of competence.

Unless further automatic licensing is included, CPEng-holding construction managers will hold a Design 3 licence which they do not need, but will need to undergo further assessment for a Site 3 licence. Our review of the CPEng register indicates that there are over 50 CPEng registrants thus affected. These are people working for major construction firms.

DBH should acknowledge that it is clear that a person achieving CPEng whose practice area is in construction management and supervision has already demonstrated competence to at least the Site 3 level. If the engineers further specialise in concrete, steel or building services construction supervision they again have proven their competence to a very high level. It would be completely incongruous to have to reassess those persons for these LBP licence classes.

DBH would be failing to act consistently if it did not automatically license all CPEng registrants at Site 3 level, plus each of the three supervisory commercial construction licence classes. When automatic licensing is put in place, individual CPEng registrants will then self-certify their competence as is the case with the Design 3 level.

In order to justify the extension of automatic licensing it is not necessary to compare the CPEng standard and the specific competence standards for each class, because the combination of correct practice area and the CPEng standard is by definition the highest statute-backed engineering standard in New Zealand. By definition, it must be appropriate, as it has proven to be for dam safety where S 134(2)(c) requires an audit by a "recognised engineer". S 149 defines a recognised engineer as a CPEng registrant with the prescribed qualifications and competencies, that is, a CPEng registrant whose practice area includes dam safety. All CPEng registrants are informed in writing of the practice area in which they demonstrated their competence, and this letter can be produced by the registrant if there is any doubt over their area of practice.

Failure to make this automatic licensing provision will place additional compliance requirements on and unnecessarily penalise a significant number of the best on-site practitioners in New Zealand. It is completely illogical to create these barriers for competent practitioners when the Act is looking to correct the work of poor performers.

- ***Continued reassessment requirements too weak***

We have concerns about the two-yearly reassessment of LBPs. The process of reassessment must be robust and we question whether the intended regime of reporting CPD participation alone will genuinely reflect retained competence. In our view, if such a light-handed basis to the reassessment is to be used it should be accompanied by a "poor work" notification scheme. Such a scheme (which would have to be created under the BCA accreditation requirements) would lead to a practice where a BCA issues the LBP a "notice" when poor

quality work is submitted, which is copied to the relevant registrar. We would have fewer objections if the proposed two-yearly returns apply to only those against whom no notices have been issued. Licence holders should be fully reassessed if a pre-determined trigger point is reached (for example, more than two notices within a 12 month period).

In our experience, reassessment should initially be holistic (that is, looking at competence as a whole, and not looking for evidence against each competence element, for example by considering recent work samples), and use element-by-element reassessment only if the assessor(s) consider it necessary.

- ***Minimise further assessment for other registers***

IPENZ has informed DBH that it intends to commence registering persons as Engineering Technology Practitioners (ETPract) and Certified Engineering Technicians (CertETn) on national competence-based registers from 1 July 2007. Assessments against the relevant competence standard for these registers will be based on the same procedures as those for assessing CPEng registrants, with the same level of rigour being applied. ETPract registrants whose practice area is construction-related will have demonstrated their competence to solve “broadly defined engineering problems” which translates to the same level as Design 2 and Site 2 licences. Typically such registrants will hold a three-year degree and have considerable relevant experience. CertETn registrants will have demonstrated competence to solve well-defined engineering problems. Typically a CertETn will hold a two-year tertiary qualification and have considerable practical experience.

IPENZ recognises that, because these registers are not statute-backed, automatic licensing of these registrants is not possible. However, it should not be necessary to undertake full assessment of these registrants as their practical performance is subject to a robust assessment and reassessment process (identical to CPEng other than in competence standard). We recommend that they not be required to undergo further assessment to achieve level 2 licences in the case of ETPract and level 1 licences in the case of CertETn. We suggest that these registrants are given credit with rebated fees to reflect the lower level of work involved in their assessment.

- ***Carpentry Competence standard***

The following comments have been received from our Members and are presented for consideration by DBH:

- In performance indicator 3.2, the need for a carpenter tradesman to prepare a schedule of quantities was queried.
- In performance indicator 4.4, adding composite steel/concrete floor systems was suggested.
- In performance indicator 4.5, adding steel beams and proprietary beams was suggested.

- ***Design competence standards***

In performance indicator 2.2, the examples of techniques listed for Design 2 should also be listed for Design 1.

We have major problems with the wording of Competency 5. Whilst the commercial contracts in place will determine the extent to which a designer is involved on a case-by-case basis, the competence should cover all cases that might reasonably arise. Hence the words “to the level contracted” should be deleted. They are not part of a competency which must stand independent of the commercial contract. We note that it is just as likely that a BCA will issue

a condition on a consent that requires a designer to observe/monitor construction and issue a Producer Statement PS4. The term “contract observation” is also wrong. No-one observes a contract – they observe construction. Thus the Competency should be reworded as “Provide construction observation and contract administration”.

We question whether knowledge of the Construction Contracts Act is required in licence classes Design 2 and 3, performance indicator 5.1. The same point arises in performance indicator 1.3 on p20. Most designers will not need to have this knowledge unless they are acting in a site role, post-consenting, in which case the person concerned should have a relevant site licence.

- **Site Competence Standard**

In Competency 5 performance indicator 5.1 (p27), adding “design or oversee design of temporary works – falsework, formwork, shoring etc.” would add clarity.

Performance indicators 5.2 to 5.6 should appear in Site 3 as well as in Site 2.

- **Other Comments**

During our consultation with Members it became clear that there was a need to provide education to ensure a wide understanding of the types of work that the LBP scheme applies to. Members have asked how buildings such as storage tanks, chemical process plant and communications structures fit into the system.

## **Conclusion**

In conclusion, IPENZ generally supports DBH’s proposed regime for introducing the LBP scheme. There are some areas that we consider should be made more robust to protect the public from poor performers, while in others the route to LBP should be smoothed for practitioners who have already demonstrated their competence through rigorous periodic assessments.