Dear Ministry of Business, Innovation & Employment,

Thank you for your public consultation on proposed changes to the occupational regulation of engineers.

Please find enclosed a completed consultation submission that we have prepared on behalf of:

- The global membership of the Institute of Marine Engineering, Science & Technology (IMarEST);
- The New Zealand branches of the IMarEST in Auckland, Wellington & South Island;
- Our members in New Zealand and our members who may do business in New Zealand;
- The discipline of marine engineering as a whole in New Zealand.

We hope that MBIE finds our submission useful and constructive to your ongoing plans and development, and we stand by to provide further input or advice should it be needed.

Please also find a supporting letter from the New Zealand Division of the Royal Institute of Naval Architects confirming their full support and endorsement of our submission.

Kind regards,

Gwynne Lewis

Ken Hogan CEng CMarEng
FIMarEST

Robyn Locke CEng
CMarEng MIMarEST

Chris Bleasdale CEng
CMarEng FIMarEST

Chief Executive, IMarEST
Chair, Auckland Branch, IMarEST
Chair, Wellington Branch, IMarEST
Chair, South Island Branch, IMarEST
23rd June 2021

Ref: IMarEST Submission to NZ MBIE Consultation on a proposed Occupational Regulatory Regime for Engineers

Dear Ken

Thank you for copying your draft submission on the MBIE consultation for regulation of engineers. RINA NZ have reviewed and concur with your submission and have the following comments:

- RINA NZ utilise engineering accreditation under the same regulatory body that the IMarEST uses, namely the Engineering Council. Our registration of chartered engineers follows the same pathways you have described in the submission.

- We agree with calling MBIE’s attention to utilizing these existing regulatory pathways for other disciplines such as marine engineering and naval architecture that are not currently identified in any new proposed structure.

- We agree with the proposal to introduce a national regulator who would license professional engineering institutions in NZ.

In summary RINA NZ can confirm that we fully support the IMarEST submission and we are happy to endorse.

Thank you for the opportunity to review your draft and for the work that has been put in to respond to MBIE.

Yours sincerely

Jason Smith C.Eng MRINA
Hon. Secretary, RINA NZ
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.

A. About you

Name: Gwynne Lewis, Chief Executive

Email address: technical@imarest.org

B. Are you happy for MBIE to contact you if we have questions about your submission?
☒ Yes ☐ No

C. 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.

The Institute of Marine Engineering, Science & Technology (IMarEST).

The Institute of Marine Engineering, Science & Technology (IMarEST) is an international membership body and learned society that brings marine engineers, scientists and technologists together. Founded in 1889, it spans 128 countries with over 20,000 members and works to promote the scientific development of marine disciplines, providing opportunities for the exchange of ideas and upholding the status, standards and expertise of marine professionals worldwide.

The IMarEST has had a local presence in New Zealand for more than 50 years, with active branches in Auckland, Wellington and the South Island.

D. The best way to describe your role is:

☒ Engineer (please specify your discipline below)
☐ BCA/Building Consent Officer
☐ Architect or designer
☐ Builder or tradesperson

Please specify here.

Marine engineering

☒ Other engineering professional (please specify below)
☐ Consumer of engineering services
☐ Other (please specify below)
☐ Prefer not to say

E. If you are an engineer, are you:

☐ Chartered Professional Engineer
☐ Engineering New Zealand member
☒ Neither
The case for intervention

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?

The IMarEST agrees with MBIE that there is a case for the occupational regulation of engineers in areas or disciplines that lack existing international, national or industry regulations. Introducing occupational regulation in these areas or disciplines will help to ensure that standards are improved, maintained and that ultimately professional engineers in these areas or disciplines can be held accountable for any professional misconduct.

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

The IMarEST has the view that MBIE has correctly identified the issues with the status quo in terms of engineers in some areas or disciplines practicing outside of an occupational regulatory regime, and the need therefore for changes to address this.

However, the IMarEST wishes to draw attention to the fact that there are also areas or disciplines, marine engineering for example, where professional engineers are practicing within a discipline that is comprehensively regulated at both the international, national, and professional standards level.
3. 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?

The IMarEST is not able to suggest any further information sources to help ascertain numbers of engineers working in New Zealand.

4. 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?

The IMarEST does not feel it can provide comment on the overall performance of engineers as a whole.

However, New Zealand has thriving and world-leading maritime and naval defence sectors, with marine engineers at the heart of these, making extensive and valued contributions to operations, as well as research and development.

These sectors are governed by international and national regulations and quality standards, and so examples of ‘poor engineering’ in these sectors are extremely rare, and for maritime, the regulator Maritime NZ has the responsibility to investigate any incidents to try to prevent them from happening again.
Proposal 1: Establish a new registration requirement for persons who practice professional engineering

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

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

Whilst the IMarEST agrees with the explanation of “professional engineer” provided in the discussion paper - “By this we mean 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.” - we have concerns that “professional engineer” is too similar a descriptor, and therefore risks confusion with, and possible detriment to, existing regulatory frameworks already in place and awarded to engineers in New Zealand – such as “Chartered Professional Engineer” (CPEng, awarded by Engineering NZ), “Chartered Engineer” (CEng, awarded by licensed bodies of the Engineering Council, UK, including the IMarEST), and “Chartered Marine Engineer” (CMarEng awarded exclusively by the IMarEST).

We would suggest an alternative of “engineering professionals” is used instead to help you with your definitions, and to help you to “capture the intellectual activities of engineering, the application of engineering principles and judgement, and societal interests” and not “exclude emerging engineering disciplines”.

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

The IMarEST does not agree that the regime should cover all professional engineers, and feels that any extensively regulated discipline or area that engineers operate in, such as marine engineers, should be exempted or granted an equivalent status.

The IMarEST notes that the discussion document is completely silent on marine engineers, who are professional engineers working in a well-regulated industry, and would therefore like to take the opportunity to provide MBIE with more information about the extent of regulation marine engineers operate under in New Zealand in order to help support our view that marine engineers should be exempt from the regime or granted an equivalent status, and that doing so would not mean the retention of risks to public safety & wellbeing.

The maritime industry in New Zealand is governed by the Maritime Transport Act of 1994 (MTA94) and regulated by the Crown entity Maritime NZ (MNZ) who “develop and maintain the national safety, security and environmental protection regulations that govern the operation of vessels, ports and offshore
Proposal 1. Establish a new registration requirement for persons who practice professional engineering

installations in New Zealand waters”. The Maritime Transport Act 1994 (MTA94) as the existing primary legislation and a regulatory framework to control marine activities, includes (amongst other instruments):

- Duties relating to Health and Safety
- Duties relating to Maritime Activities
- Local regulation of Maritime activities
- Powers to create Maritime Rules relating to Maritime Documents
- Regulation of Alcohol consumption
- Drug and Alcohol testing by the Director
- Powers of the Director relating to Maritime safety
- Offenses

The MTA 94 is executed through Maritime NZ (MNZ) and the adoption of Maritime Rules, which provide specific instruction on applicable standards to be used by the maritime community.

Additionally, New Zealand follows and administers international regulations developed by the UN’s International Maritime Organization (IMO). These International Conventions, which are developed and implemented by the IMO and used by the international shipping community worldwide, are incorporated into New Zealand Maritime Rules making them enforceable in New Zealand, on New Zealand ships, and ships flying the flag of other states which are in New Zealand waters.

To work at sea, marine engineers on commercial ships, both international and domestic, must meet the educational, competency, training and technical standards and performance criteria as defined by MNZ’s Maritime Rules Part (MRP) 32 Seafarer Certification. Similarly, engineers whom undertake the duties of maritime surveyors must meet MRP 44.23 and a certificate of surveyor recognition (which is a maritime document) can only be issued under MRP.22. Marine engineers who conduct management functions ashore, must meet obligations in MRP19.26. (b) to operate a ship in accordance with its Maritime Transport Operator Plan.

As the engineering and technical roles involved in the marine sector are varied and widespread, the table below highlights the source of regulation and qualification across the sector, both onshore and seagoing:

<table>
<thead>
<tr>
<th>Sector</th>
<th>Qualification</th>
<th>Regulator</th>
<th>Enforcement against marine engineers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seagoing SOLAS (International)</td>
<td>Formal licensing</td>
<td>MNZ</td>
<td>Revocation of qualifications</td>
</tr>
<tr>
<td>Seagoing Domestic trade</td>
<td>Formal licensing</td>
<td>MNZ</td>
<td>Revocation of qualifications</td>
</tr>
<tr>
<td>Seagoing Military</td>
<td>Military qualification</td>
<td>NZDF</td>
<td>Revocation of qualifications</td>
</tr>
</tbody>
</table>
Proposal 1. Establish a new registration requirement for persons who practice professional engineering

<table>
<thead>
<tr>
<th>Surveying Classification</th>
<th>Certificate of Authorisation</th>
<th>Internal</th>
<th>Employment Law or removal of delegation from Flag</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surveying domestic trade</td>
<td>Formal licensing</td>
<td>MNZ</td>
<td>Revocation of qualifications</td>
</tr>
<tr>
<td>Port/Flag state inspectors</td>
<td>Internal authorisation</td>
<td>MNZ</td>
<td>Revocation</td>
</tr>
<tr>
<td>Insurance assessors</td>
<td>Industry/External</td>
<td>N/A</td>
<td>Civil</td>
</tr>
<tr>
<td>Energy (Oil and Gas) offshore</td>
<td>Formal licensing</td>
<td>IANZ</td>
<td>Revocation</td>
</tr>
<tr>
<td>Energy (oil and gas) on shore</td>
<td>Formal licensing</td>
<td>Work safe</td>
<td>Civil</td>
</tr>
<tr>
<td>Power generation</td>
<td>Industry/External</td>
<td>Work safe</td>
<td>Civil</td>
</tr>
<tr>
<td>Ship repair</td>
<td>Industry/External</td>
<td>MNZ/Work safe</td>
<td>Civil</td>
</tr>
<tr>
<td>General industry engineering services</td>
<td>Industry/External</td>
<td>Work safe</td>
<td>Civil</td>
</tr>
<tr>
<td>Ship management</td>
<td>Industry/External</td>
<td>MNZ</td>
<td>Civil</td>
</tr>
<tr>
<td>Military policy</td>
<td>Military qualification</td>
<td>NZDF</td>
<td>Revocation of qualifications</td>
</tr>
<tr>
<td>Educational services</td>
<td>Industry/External</td>
<td>N/A</td>
<td>Employment</td>
</tr>
<tr>
<td>Consultancy</td>
<td>Industry/External</td>
<td>MNZ/Work safe</td>
<td>Civil</td>
</tr>
<tr>
<td>Ship Design and verification</td>
<td>Certificate of Authorisation</td>
<td>Internal</td>
<td>Employment Law or removal of delegation from Flag</td>
</tr>
</tbody>
</table>
Proposal 1. Establish a new registration requirement for persons who practice professional engineering

<table>
<thead>
<tr>
<th>Safety Auditing</th>
<th>Certificate of Authorisation</th>
<th>Internal</th>
<th>Employment Law or removal of delegation from Flag</th>
</tr>
</thead>
<tbody>
<tr>
<td>Research and development</td>
<td>Industry/External</td>
<td>N/A</td>
<td>Employment</td>
</tr>
<tr>
<td>Safety management Policy development</td>
<td>Industry/External</td>
<td>N/A</td>
<td>Employment</td>
</tr>
<tr>
<td>Port services</td>
<td>Industry/External</td>
<td>N/A</td>
<td>Employment</td>
</tr>
<tr>
<td>General transport</td>
<td>Industry/External</td>
<td>N/A</td>
<td>Employment</td>
</tr>
</tbody>
</table>

In addition to the above regulations, the professional competence of marine engineers (specifically) in New Zealand is assessed and recognised by the Institute of Marine Engineering, Science & Technology (IMarEST).

As an international learned society and professional institute with members in 120 countries, including New Zealand, the IMarEST was originally founded in London (UK) in 1889 from a desire to uphold marine engineers’ status, rights and competence. Still headquartered in London as a UK charity, we were granted a Royal Charter by the UK Privy Council in 1933 to offer professional registration to marine engineers, which we have done so ever since, all over the world.

The IMarEST has its own marine engineering-specific registers, and is also licensed by the Engineering Council (UK) in order to provide marine engineers in New Zealand with professional registration linked to career development and professional competence, starting with “Marine Engineering Technician” (EngTech/MarEngTech), followed by “Incorporated Marine Engineer” (IEng,IMarEng) and then “Chartered Marine Engineer” (CEng/CMarEng). All members agree to an IMarEST Code of Professional Conduct, and are required to engage in continuing professional development, which the Institute monitors annually for its registrants.

The IMarEST’s registration of marine engineers in New Zealand is supported by its three branches in Auckland, Wellington and South Island, who carry out professional review interviews of marine engineers seeking registration, and provide continuing professional development for registered marine engineers in New Zealand - something they have been doing for more than 50 years.

The provision of professional registration not only applies to marine engineers in New Zealand’s maritime sector, as the IMarEST also has a partnership with the Royal New Zealand Navy that provides professional registration to RNZN Engineering Officers and Ratings, based on their rank and levels of experience gained in the RNZN.
Proposal 1. Establish a new registration requirement for persons who practice professional engineering

As evidenced above, the IMarEST is of the view that the maritime industry is already well-regulated by government legislation in New Zealand for marine engineers and technicians, working both onshore and at sea. These are understood by industry and accepted internationally, and therefore marine engineers should be exempt from the regime or given an equivalent status.

Including marine engineers as part of a new regime being proposed by MBIE would, in our view, be burdensome for all involved, requiring duplication of effort for no clear benefit, and therefore at odds, we feel, with the advice of the Cabinet Office Circular CO(99) 6 “Policy Framework for Occupational Regulation” issued to all departments and agencies, which has the assumptions that “intervention by Government in occupations should generally be used only when there is a problem or potential problem that is either unlikely to be solved in any other way or inefficient or ineffective to solve any other way; the amount of intervention should be the minimum required to solve the problem; the benefits of intervening must exceed the costs.”

Providing an exemption, or equivalent status, would enable the IMarEST to be able to continue delivering professional registration to marine engineers in New Zealand, easing the burden of the MBIE proposal, which can then focus on engineering disciplines which have less regulation.
Proposal 1. Establish a new registration requirement for persons who practice professional engineering

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

The IMarEST remains of the view that marine engineers, as professional engineers operating in a well-regulated industry, should be exempted from the proposed regime (see our response to question 6) or given automatic equivalent status / recognition ensuring there is no unnecessary or unwarranted duplication of effort.

However, for those engineers who are required to be registered or licensed under the regime, we agree with the principle of establishing a protected title. In many countries and other fields, the title ‘Chartered’ is often used to demonstrate a suitably qualified and experienced professional, and whilst internationally recognised competency frameworks for Chartered Engineers exist (for example the Engineering Council’s UK Standard for Professional Engineering Competence - UK-SPEC), a distinctive and new terminology specifically for engineers registered under the regime should be considered so as to differentiate from these.

‘Professional Engineer’ implies they are experienced and knowledgeable, but we would suggest or encourage MBIE to consider “Licensed Engineer” or “Approved Engineer”, given the intention is to have a regime that sets out minimum standards and enables the public to verify their status. It should also be noted that some professions who are licensed or regulated, for example doctors or pilots, do not include the term “Professional” in their title.

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

The IMarEST wishes to reiterate its view that marine engineers, as professional engineers operating in a well-regulated industry, should be exempted from the proposed regime (see our response to question 6) or given automatic equivalent status / recognition ensuring there is no unnecessary or unwarranted duplication of effort.

We would like to raise our concern that the example given in the discussion paper (page 22) references that the rules for the regime “would be developed in consultation with the profession and be approved by the Minister for Building and Construction”.

As previously mentioned, the MBIE discussion paper is silent on marine engineers, whose minimum level of qualifications, training and assessments of competency are already defined and implemented by the government agency Maritime NZ for sea-going marine engineers (https://www.maritimenz.govt.nz/commercial/certification/marine-engineers/default.asp), and by the Institute of Marine Engineering, Science & Technology (IMarEST) and its 3 New Zealand branches (Auckland, Wellington & South Island) who administer professional registration, including as a licensed body of the Engineering Council (UK), to marine engineers in New Zealand.

For the IMarEST’s professional registration of marine engineers, the minimum qualification is defined, and for Chartered Marine Engineer, a Masters level qualification from an accredited course is required. However, if an accredited Masters level qualification is not presented, it is possible for candidates to demonstrate
Proposal 1. Establish a new registration requirement for persons who practice professional engineering

Masters level achievement through a combination of academic awards and/or appropriate experiential learning. Candidates applying through this route must clearly demonstrate that they have achieved the same level of knowledge and understanding, as those with the accredited qualifications. For example a Bachelors qualification supported by appropriate professional experience may be sufficient to demonstrate Masters level knowledge. The IMarEST has proven benchmarks and procedures in place to measure Masters level learning through professional experience and knowledge gained specific to their marine engineering discipline.

It is our view that any registration regime that applies to engineering disciplines that are not already regulated, must include a minimum assessment of experience and competency.

9. 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?

Yes - competency assessment should provide alternative assessment routes for candidates who do not hold formally recognised qualifications. Any regulator or regime should ensure that an ‘experiential learning’ route is offered, with benchmarks and procedures put in place to measure equivalent levels of learning through experience or knowledge gained that is specific to their engineering discipline.

This is something that the IMarEST and its branches in Auckland, Wellington and South Island, provide to marine engineers in New Zealand applying for professional registration (such as ‘Chartered Engineer or Chartered Marine Engineer’).
10. 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?

The IMarEST wishes to reiterate its view that marine engineers, as professional engineers operating in a well-regulated industry, should be exempted from the proposed regime (see our response to question 6) or given automatic equivalent status / recognition ensuring there is no unnecessary or unwarranted duplication of effort.

This, we feel, should apply to marine engineers from overseas as well as in New Zealand, as the maritime sector is regulated at both national and international level to define educational, competency, training and technical standards and performance criteria for marine engineers, ensuring common standards for the profession around the world.

11. 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.

We agree with MBIE that commitment to a code of conduct and continuing professional development should is essential for the proposed regime.

However, the IMarEST wishes to reiterate its view that that marine engineers, as professional engineers operating in a well-regulated industry, should be exempted from the proposed regime (see our response to question 6) or given automatic equivalent status / recognition ensuring there is no unnecessary or unwarranted duplication of effort.

Through the IMarEST’s provision of professional registration of marine engineers in New Zealand, supported by its three branches in Auckland, Wellington and South Island, all our registrants must agree and adhere to a code of professional conduct, and are required to engage in continuing professional development, which the Institute monitors annually. The provision of continuing professional development opportunities is then also something that the Institute as whole, and its NZ branches, actively supports.

12. 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?

The IMarEST wishes to reiterate its view that marine engineers, as professional engineers operating in a well-regulated industry, should be exempted from the proposed regime (see our response to question 6) or given automatic equivalent status / recognition ensuring there is no unnecessary or unwarranted duplication of effort.

With regards to suggestions for how to link registration to continuing professional development, the IMarEST would like to suggest some form of ‘revalidation’ whereby a registrant must:

(1) confirm a declaration to the requirement of regime including the code of conduct and CPD requirements;

(2) confirm they are actively maintaining a continuous, up-to-date, accurate and reflective record of the CPD
Proposal 1. Establish a new registration requirement for persons who practice professional engineering

and able provide supporting evidence if requested to do;

(3) confirm they must demonstrate that their CPD activities are a mixture of learning activities relevant to current or future practice;

(4) confirm they must seek to ensure that their CPD has benefited the quality of their practice and reflect upon this as evidence;

(5) confirm they must seek to ensure that their CPD has benefited the end-users of their work (employee, customer, public etc.) and reflect upon this.

This, we feel, offers an effective and transparent way of linking registration to continuing professional development.

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

The IMarEST would welcome the opportunity of being involved in discussions surrounding this, having had experiences of supporting our professionally registered members with both less frequent and annual renewal requirements, where we have introduced platforms and processes that are manageable and avoid being burdensome to those involved.

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

Yes, as suggested by our example in question 12.
15. Should electrical engineers registered by the Electrical Workers Registration Board continue under that regime rather than the new one proposed?

Based on information and explanation provided in the discussion paper for electrical engineers, we agree that duplication is unwarranted and unnecessary, and support the suggestion that registered electrical engineers are either exempted or given an equivalent status - something that engineers operating in well-regulated industries, such as marine engineers, should also be granted.

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

Yes - it is our view that marine engineers, as professional engineers operating in a well-regulated industry, should be exempted from the proposed regime (see our response to question 6) or given automatic equivalent status / recognition ensuring there is no unnecessary or unwarranted duplication of effort.

This, we feel, is in keeping with the advice of the Cabinet Office Circular CO(99) 6 “Policy Framework for Occupational Regulation” issued to all departments and agencies, which has the assumptions that “intervention by Government in occupations should generally be used only when there is a problem or potential problem that is either unlikely to be solved in any other way or inefficient or ineffective to solve any other way; the amount of intervention should be the minimum required to solve the problem; the benefits of intervening must exceed the costs.”

Providing an exemption, or equivalent status, would enable both Maritime NZ to continue certifying seagoing marine engineers in accordance with the Maritime Transport Act of 1994 (MTA94) and Maritime Rules Part (MRP) 32 Seafarer Certification, and the IMarEST and its branches in Auckland, Wellington and the South Island, to continue providing professional registration to marine engineers in New Zealand. This will ease the burden of the MBIE proposal which can then focus on engineering disciplines which have less regulation.

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

The IMarEST feels that these professions should be included in the regime, but with their own separate registers, and only apply to engineering disciplines which have less regulation.

The IMarEST, in addition to providing professional registration for marine engineers in New Zealand, also provides, as a licensed body of the Engineering Council (UK), professional registration for marine engineering technicians (EngTech / MarEngTech). They are professionals operating in a well-regulated sector and therefore should be exempt or given equivalent status to avoid unwarranted duplication of effort.
Proposal 1. Establish a new registration requirement for persons who practice professional engineering

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

We don’t feel we are able to comment on this question.

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

The IMarEST feels a recognised statutory credential for engineering associates, technologists, technicians, and engineering geologists is potentially of value to both the nation and individuals, and should be explored separately after the registration and licensing of professional level engineers is resolved.
Proposal 2: Restrict who can carry out or supervise high risk engineering work

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

Questions for the consultation

20. 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?

The IMarEST has concerns that the discussion paper (page 30) seems to suggest that the Minister of Building and Construction would have responsibility for the regime and deciding who should be licensed. If so, then the scenario of the Minister having to decide whether areas of engineering disciplines outside their remit or expertise should be licensed, seems likely. How this would be conducted in a fair and equitable way needs further explanation. Otherwise involving the Ministers most relevant to the corresponding discipline could be considered.

The IMarEST wishes to reiterate its view, however, that marine engineers, as professional engineers operating in a well-regulated industry, should be exempted from the proposed regime (see our response to question 6) or given automatic equivalent status / recognition ensuring there is no unnecessary or unwarranted duplication of effort.

21. 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?

We agree with the proposed list of criteria, as outlined on page 26 of the consultation document, but wish to reiterate our view that marine engineers, as professional engineers operating in a well-regulated industry, should be exempted from the proposed regime (see our response to question 6) or given automatic equivalent status / recognition ensuring there is no unnecessary or unwarranted duplication of effort.
22. 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?

As explained in more detail in our answer to question 6, the IMarEST, as a licensed body of the Engineering Council (UK) and through its Royal Charter, provides professional registration to marine engineers in New Zealand supported by our branches in Auckland, Wellington & the South Island.

Our Chartered Marine Engineer (CEng/CMarEng) competency framework is internationally recognised and respected, with a rigorous and comprehensive review process, code of professional conduct and ongoing continuing professional development requirements.

The IMarEST is also the learned society and professional institute for marine technologists and marine scientists. Through its Royal Charter, and where there is an accepted and perceived need to improve standards or professional recognise expertise in specific technical areas, the IMarEST develops additional descriptors and competency frameworks - to date in hydrography, CMarSci(Hydrography), and oceanography, CMarSci(Oceanography), to provide even more comprehensive and specialised professional registration to demonstrate competence.

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

It is the IMarEST’s view that licensed engineers should undergo regular checks of their continued competency.
24. How often should the regulator check a licensed engineers’ competency?

The IMarEST would welcome the opportunity of being involved in discussions surrounding this, having had experiences of supporting our professionally registered members with both less frequent and annual renewal requirements, where we have introduced platforms and processes that are manageable and avoid being burdensome to those involved.

It is important to help remind and reinforce licensed engineers of their obligations as a licensed professional and ensure the regulator had a recent confirmation from which to begin any investigation of conduct against.

However, we wish to reiterate our view that marine engineers, as professional engineers operating in a well-regulated industry, should be exempted from the proposed regime (see our response to question 6) or given automatic equivalent status / recognition ensuring there is no unnecessary or unwarranted duplication of effort.

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

The IMarEST has developed its own professional development platform (www.imarest.org/echo) that enables all of our professional registrants, including marine engineers in New Zealand, to record and reflect on their continuing professional development, annually revalidate their commitments as a registered professional, and submit evidence should they be chosen for monitoring.

Something akin to this could perhaps be considered, and we would be happy to provide more details if requested to, as the platform we helped developed is now being used by other professional engineering institutions as well.

However, we wish to reiterate our view that marine engineers, as professional engineers operating in a well-regulated industry, should be exempted from the proposed regime (see our response to question 6) or given automatic equivalent status / recognition ensuring there is no unnecessary or unwarranted duplication of effort.
26. Would you prefer using the Chartered Professional Engineering (CPEng) credential for licensing classes rather than creating a new credential? Why?

The IMarEST would encourage MBIE to consider all existing internationally recognised competency frameworks (for example the Engineering Council’s UK-SPEC) as to whether these could be adopted for licensing classes, or to ensure that there would be no confusion with these established titles.

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

The IMarEST notes that many engineers are sole practitioners or involved in small practices, so a system must not be modelled on a large organisation, as that risks being burdensome to small organisations carrying increased compliance cost for limited benefit.
Proposal 3: Establish a new two-tiered regulator comprised of an independent regulatory board and a regulatory service provider

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

28. Do you agree with the proposed two-tier regulator model of a regulatory board and a regulatory service provider? Are there any other models we should consider?

The IMarEST and its three branches in New Zealand (Auckland, Wellington and South Island) would like to put forward an alternative suggestion, which would be for MBIE to consider establishing a regulatory body/agency for the NZ engineering profession.

This, as a national regulator, would have a broader scope and more control than the existing Chartered Professional Engineers Council (CPEC), and would award licensing powers to professional engineering institutions (PEIs) who operate in New Zealand - for example Engineering NZ and the IMarEST - for any new registers deemed necessary.

If practicing engineers are then required to become registered, they would then have to do so via one of these professional engineering institutions licensed by the regulator. The PEIs would be responsible for processing and awarding of registrations and licences to engineers (something they are well versed in doing), but under the obligations / requirements of the new regulator, who would then hold a national register of engineers.

With the exception of not being mandatory, this is very similar to the structure and role of the Engineering Council (https://www.engc.org.uk/about-us/), who is the regulator of the UK engineering profession. Rather the MBIE having to start fully from scratch in forming a new agency / regulator, there could perhaps be an opportunity for NZ to align, adopt or even develop in partnership with the Engineering Council, a licensing scheme for PEIs and competency frameworks for NZ engineers for the purposes of registration and licensing.
Proposal 3. Establish a new two-tiered regulator comprised of an independent regulatory board and a regulatory service provider

To try to explain our suggestion, we have produced the following (purely hypothetical and illustrative) diagram to help explain our alternative suggestion:

A Potential Engineering Registration and Licensing Model for New Zealand

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

Yes, the IMarEST and its three branches in New Zealand (Auckland, Wellington and South Island) would like MBIE to consider our alternative proposal presented in question 28, which proposes establishing a regulatory body/agency for the NZ engineering profession and then licensing professional engineering institutions as regulatory service providers.

Whilst we wish to reiterate our view that marine engineers, as professional engineers operating in a well-regulated industry, should be exempted from the proposed regime (see our response to question 6) or given automatic equivalent status / recognition ensuring there is no unnecessary or unwarranted duplication of effort, should a regime ultimately be enforced, the IMarEST would be interested in becoming a regulatory service provider in New Zealand, supported by its branches in Auckland, Wellington and the South Island.

We also feel it necessary to note our concerns about the reference in the discussion paper (page 29) that “the Board would be appointed by and accountable to the Minister for Building and Construction, with MBIE responsible for monitoring performance” as we are unsure how this will impact the existing government regulator of marine engineers, Maritime NZ.
30. Do you agree with the proposed functions of the regulator and regulatory service provider? Can you suggest any different functions?

No, the IMarEST is not supportive of appointing a single regulatory services provider, when we feel a fairer and more effective model exists, as suggested in our answer to question 28.

This would be for MBIE to consider establishing a regulatory body/agency for the NZ engineering profession, who would award licensing powers to professional engineering institutions who operate in New Zealand as ‘regulatory service providers’ who would then deliver the function identified on page 30 of the discussion paper. If practicing engineers are then required to become registered, they would then have to do so via one of the professional institutions licensed by the regulator.

Whilst we wish to reiterate our view that marine engineers, as professional engineers operating in a well-regulated industry, should be exempted from the proposed regime (see our response to question 6) or given automatic equivalent status / recognition ensuring there is no unnecessary or unwarranted duplication of effort, so this ultimately be enforced, the IMarEST would be interested in becoming a ‘regulatory service provider’ in New Zealand, supported by its branches in Auckland, Wellington and the South Island.

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

The IMarEST agrees with MBIE’s proposed grounds for discipline as set out on page 32 of the discussion paper.
Implementation

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

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

The IMarEST supports the view that the regulator should have the flexibility to recognise and automatically deem some existing professional as registered. This would support international mobility and recognise existing certification or professional registration for engineers.

Whilst we wish to reiterate our view that marine engineers, as professional engineers operating in a well-regulated industry, should be exempted from the proposed regime (see our response to question 6) or given automatic equivalent status/recognition ensuring there is no unnecessary or unwarranted duplication of effort, so this ultimately be enforced.

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

Whilst we wish to reiterate our view that marine engineers, as professional engineers operating in a well-regulated industry, should be exempted from the proposed regime (see our response to question 6) or given automatic equivalent status/recognition ensuring there is no unnecessary or unwarranted duplication of effort, so this ultimately be enforced.

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

The IMarEST does not feel it can comment on this, but wishes to note that the Institute has been supporting the professional development of marine engineers in New Zealand for more than 50 years via its 3 branches in Auckland, Wellington and South Island, and through the provision of professional registration for marine engineers via the Chartered Engineer/Chartered Marine Engineer (CEng/CMarEng) credential which is internationally and nationally recognised and respected.

A revision of credentials that reflects the broad practice of engineering within all of its domains needs to be considered, which should take into consideration the recognition credentials used in other engineering disciplines and countries.
Implementation