

CHARTERED PROFESSIONAL ENGINEER REVIEW FEEDBACK AND NEXT STEPS

MARCH 2021

This document summarises feedback received on our CPEng Review Draft for Consultation issued in October 2020, as well as our intended next steps in response to that feedback.

Executive summary

Introduction

In late 2020, we consulted on a series of proposals to strengthen CPEng. We received considerable feedback; thank you for the time and effort put into this. This paper is a record of what you told us. It's also a preview of what we're intending to do next.

After the Executive Summary, this paper provides the full feedback analysis (Appendix 1), addresses common misunderstandings identified in the feedback (Appendix 2), updates you on MBIE's work on occupational regulation and then outlines the next steps for our work on CPEng.

Background

Engineering New Zealand, as the Registration Authority for Chartered Professional Engineers, received extensive feedback on the CPEng review document. Submitters provided invaluable comments on our proposals to strengthen CPEng. This feedback will not only support us as we work to strengthen CPEng, but it will also inform our ongoing work to support Engineering New Zealand membership, the occupational regulation of engineers and general professional services.

Feedback received has been analysed (Appendix 1) and will continue to be referred to. In undertaking this review, we identified that CPEng is only one part of a system that supports world-class engineering in New Zealand. However, while it is part of this larger system, CPEng is something that is within the profession's scope of control.

Before undertaking the review of CPEng in 2020, we heard clearly from CPEng holders, Engineering New Zealand members, technical societies and stakeholders that work was needed to strengthen CPEng so that it was fit for purpose at this point in time. Feedback on the review document supported this conclusion. Feedback also gave us further insight into concerns of the profession and options to improve the proposals we put forward. We are grateful for the extent of the feedback and the considerations put forward. We will endeavour to reflect points of consensus from this feedback as we move ahead.

What you told us

Analysis of the feedback revealed these common themes:

- general support for the CPEng review and proposals
- strong support for changes to the assessments process
- strong support for the removal of the six-yearly reassessment process, with caveats
- strong support for discipline-specific registration, with caveats
- support for the proposed Registration Authority audit function, with caveats
- general support for changes to the complaints and appeals process, with caveats around natural justice
- strong support to address confusion with Engineering New Zealand's postnominal
- widespread concern that changes to the CPEng process will not prevent high-profile failures and that wider system issues need to be addressed
- significant concern about compliance costs (in terms of time and money) and the impact of these on industry
- significant concern about transitions in relation to the changes proposed

Submissions also revealed general confusion between the roles of Engineering New Zealand and the Registration Authority in the oversight and management of the CPEng scheme.

MBIE's work on occupational regulation

For many years, MBIE has been working on the occupational regulation of engineers. This work arose from recommendations of the Canterbury Earthquakes Royal Commission. We support this work to strengthen the system, which is ongoing. That's because we agree that certain engineering work needs to be restricted to professionals who are registered.

We understand MBIE is getting closer to a proposal for a new occupational regulatory regime for engineers. It may even consult on these proposals in the next few months. We will continue conversations with MBIE about its work as we seek to align our work on CPEng with the Government's long-term vision for how engineers will be regulated. We will keep you informed as we know more. In the meantime, we want to act to support the system that is in place now.

Next steps

With broad support for the CPEng review proposals, there is a mandate to continue work. We have drawn on, and will continue to draw on, the consultation feedback to shape the next steps of this work.

Our Governing Board has agreed to progress work in three phases, over the course of three to five years. In the next 18 months, in the first phase of the project, we will:

- Design, consult on and begin to implement changes to CPEng assessments and reassessments.
- Separate the Registration Authority function and governance from the Engineering New Zealand Governing Board.

In the second and third phases of the project we will:

- Conduct a review and analysis of opinions for addressing issues related to Engineering New Zealand's Chartered Member class (CMEngNZ).
- Assess the Registration Authority's risk settings and the complaints and appeals process.

The last point will probably require changes to the Act and the Rules, and will be dependent on the work MBIE is doing. For this reason, changes to risk settings and the complaints/appeals have been put into the last phases of our project.

Further information

If you would like to talk to us further about our work on CPEng, please do not hesitate to get in touch by emailing hello@engineeringnz.org.

Appendix 1: Consultation feedback

In total 377 submissions were received by Engineering New Zealand on “Chartered Professional Engineer (CPEng) Review Draft for Consultation”. These submissions included 13 group submissions, 37 individual submissions and 327 responses to the Survey Monkey survey. This appendix provides an analysis of that feedback.

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Summary

There was wide engagement across membership and technical groups on the CPEng review document. While feedback was generally positive, members, CPEng holders and stakeholders wrote extensively about their views of the current system and opportunities for improvement. This document aims to capture high level feedback and key themes.

Process

All submissions received have been reviewed and analysed. This analysis has been peer reviewed. For survey free-form responses, as well as emailed individual and group submissions, thematic analysis was completed to identify common views held by submitters. Where submitters' views did not fit within common themes, these were noted separately.

Submitters provided invaluable feedback on Engineering New Zealand's proposals to strengthen CPEng. This feedback will not only support the Registration Authority (RA) as it works to strengthen CPEng, but it will also inform Engineering New Zealand's ongoing work to support membership, the occupational regulation of engineers and general professional services support.

All submissions have been saved and will continue to be reviewed, particularly as CPEng project decisions are made in the future.

Key observations

Initial analysis of submissions revealed these common themes:

- general support for the CPEng review and proposals
- strong support for changes to the assessments process, with caveats
- strong support for the removal of the six yearly reassessment process, with caveats
- strong support for discipline specific registration, with caveats
- support for the proposed RA audit function, with caveats
- general support for changes to the complaints and appeals process, with concerns about natural justice considerations
- strong support to address confusion introduced by the Chartered Membership (CMEngNZ) post nominal
- widespread concern that changes to the CPEng process will not prevent high-profile failures and that wider system issues need to be addressed
- significant concern about compliance costs (time and money) and the impact of these on industry
- significant concern about transitions to the changes proposed

Submissions also revealed general confusion between the roles of Engineering New Zealand and the RA in the oversight and management of the CPEng scheme.

Submissions received

Group submissions

A total of 13 group submissions was received. The organisations or groups that submitted were:

- Chartered Professional Engineers Council (CPEC)
- Competency Assessment Board (CAB)
- BECA
- DTCE Structural Engineering
- Electricity Engineers Association (EEA)
- Engineering General Practitioners (EGP)
- HEB Construction
- New Zealand Standards and Accreditation Board (SAB)
- Structural Engineering Society New Zealand (Inc) (SESOC)
- Recreational Safety Engineering (RSE)
- Transpower
- Watercare
- WSP

Overall, group submissions were supportive of the proposals set out in the consultation document. Each submission raised valuable points about the process to date and options moving forward. Group submissions are available for reference, as is a summary document of these submissions. The following are key themes from group submissions.

DISCIPLINE SPECIFIC REGISTRATION

Group submitters supported the introduction of discipline-specific registration and the use of Bodies of Knowledge and Skills (BOKS) in the assessment process. HEB submitted that registers must be developed with the client in mind, so that clients can understand areas of tested competency for an engineer (ie, wharves, high rises, bridges, etc); it was noted by another submitter that the registers must be easily searchable.

Groups were keen to work with the RA to develop BOKS for those disciplines that do not have current BOKS (including general practice BOKS). SESOC submitted that BOKS should also be developed to test professionalism, ethics and good practice. SAB, WSP and BECA reiterated the importance of assessing professionalism, and submitted that BOKS should assess minimum standards rather than specialist standards (questioning the place of the RA to set standards for safety-critical work, as this is very challenging). DTCE also questioned the appropriateness of creating more stringent assessments.

Regarding discipline-specific standards, submitters cautioned of the unintended consequence of creating a hierarchy amongst disciplines. Further, DTCE stated, "ICE and IStructE in the UK have produced extensive guidance on how to train graduates and detailed guidance on the detailed meaning of "competence" in the different categories they consider. Engineering NZ can likely work with these two institutions to adapt their frameworks rather than inventing a new system from scratch."

ASSESSMENTS

Many groups submitted that changes were needed to the assessment process, including the support provided to assessors and more stringent referee requirements. SESOC encouraged the RA to develop operation procedure guidelines to outline the CPEng process and ensure consistency of approach. This could then inform clearer guidance to applicants and assessors. SAB supported the provision of clearer guidance, particularly around “complex” engineering.

Many groups submitted that support for assessors is currently lacking. Many felt payment would support assessors; however, most felt that payment alone would not lift quality, and that assessors need further training, monitoring and support.

REASSESSMENT/AUDITS/REVIEWS AND CPD

Most group submissions considered the proposal of an RA audit function to be a good idea, with questions around how it would work in practice. Most were in favour of dropping the current reassessment processes, although some cautioned that dropping regular reassessments in exchange for an audit-based process could leave some CPEng engineers unchecked for long periods. Many were concerned that there be transparency around who was audited and why. Questions of natural justice in this process, as well as the complaints and appeals process, were raised.

A few submissions commented that CPD requirements need to be clearer. CAB submitted that to obtain annual practising certificates, CPEng holders should have to confirm CPD undertaken, as well as make a statement their practice area has not changed

TRANSITIONS AND COMPLIANCE COSTS

Many group submissions commented on the transition to any new regime. Transpower specifically provided comment on their concerns around transitions and next steps. Both Transpower and Watercare highlighted significant concerns about compliance costs and the impact of these on industry.

COMPLAINTS AND DISCIPLINE

Most group submitters supported, or supported in principle, the proposals to strengthen the complaints and disciplinary process. Some submitters wanted more detail on the proposals, with some concerned to ensure that any risk-management processes were fair and consistent with the principles of natural justice.

CHARTERED MEMBERSHIP AND CPENG

Most groups submitted that the confusion between Chartered Membership and CPEng needs to be addressed. Many thought Chartered Membership needed to be disestablished, although some noted it was important that Engineering New Zealand maintain a competency-based member class. Watercare suggested that CMEngNZ should instead be PMEngNZ (Professional Member Engineering New Zealand).

SESOC considered that CPEng should only be for professional engineers currently practising in technical areas. SESOC considered there should be other (non CPEng) registers for non-technical engineers (ie, managers), while other submitters saw value in a CPEng management class.

All groups supported a strong relationship between CPEng and professional membership, with the majority considering that there should be no ability to opt out of membership. Reasons expressed for the need for close alignment between membership and registration included the strong link between technical and professional competency, and between technical competency and group membership.

SEPARATION BETWEEN THE RA AND ENGINEERING NEW ZEALAND

SAB stressed the importance of separating the roles and functions of the RA and Engineering New Zealand. They submitted that function and roles are often unclear between the membership body and the RA.

SYSTEM ISSUES

Several groups submitted on wider system issues outside Engineering New Zealand's control and the broader need to address system concerns. As above, many felt the changes proposed would support the sector but not necessarily prevent further high-profile failures. It was noted that we need to be honest about what amending CPEng can change and what it cannot. SESOC encouraged Engineering New Zealand to lobby Government to require every engineer to be registered or hold Engineering New Zealand membership so that all engineers can be held to a Code of Ethics.

Individual submissions

In total, 37 individuals wrote to Engineering New Zealand directly about the CPEng review and proposal (as opposed to filling in the online survey). Many of these individuals did so because they had concerns about Engineering New Zealand's interpretation of the problem and the conclusions the review drew. Three submitters considered that the proposal did not appropriately reflect the history and intent of CPEng, while many others wrote that they did not support the presented rationale for change and/or Engineering New Zealand's analysis of the problem. Matters of perceived factual inaccuracy were pointed out. Several submitters urged Engineering New Zealand to look at its role in addressing wider system issues, such as the need for appropriate peer review across industries. They considered the proposal would not prevent another significant failure.

When submitters reflected on proposals 1 – 17, as set out in the consultation document, the majority were in favour of the proposals. Submitters reflected on the need for CPEng to be robust and consistent to maintain reputation and relevancy. There was clear consensus by submitters that CPEng needs to be relevant to those outside structural design.

Most submitters supported changes to assessments, as well as the proposed audit function.

Unanimously, submitters said there needs to be greater support (guidance, training, etc) for assessors. Some supported monetary reimbursement for assessors while others considered this inappropriate.

Several submitters expressed concern about discipline-specific classifications. Many did not consider that these would appropriately address the risk of someone working outside their competency. Several submitters were concerned that general and sole practitioners would not fit into classifications. Many submitters had concerns about using BOKS as assessment tools.

In general, there was support for changes to the complaints and appeals process.

One submitter expressed considerable concern about current CPEng holders being "grandparented".

Unanimously, submitters considered the confusion between CPEng and CMEngNZ needed to be resolved.

Finally, one submitter helpfully outlined roles and responsibilities within the aviation system and opportunities to strengthen CPEng based on that system, as well as opportunities to bridge the gap between aviation and CPEng.

All individual submissions were summarised, and summaries saved.

Online survey submissions

In total, 327 individuals responded to Engineering New Zealand’s CPEng review online survey. The majority of respondents were CPEng holders (55%), held Chartered Membership status (56%) and worked in either structural (27%), civil (18%), transportation (10%), geotechnical (10%), electrical (8%) and/or mechanical (7%), with a few additional respondents working in other disciplines. Survey respondents were well split among types of organisations they worked for, with many working in large firms (29%), medium firms (23%), small firms (20%), public sector (10%) or as sole practitioners (9%). 3% of submitters worked in academia, 2% were retired and 3% indicated “other”.

According to the RA, there are currently 3,810 CPEng holders and 5,588 Chartered Members of Engineering New Zealand. 4% of CPEng holders responded to the online survey (159) and 3% of Chartered Members responded to the online survey (164).

SURVEY PART ONE: GENERAL CONSIDERATIONS

Questions 1-5 of the survey asked respondents for their general considerations of CPEng and their high-level response to the CPEng proposal.

Question 1: The things valued about CPEng

Question 1 asked respondents what they value most about CPEng. Respondents could select more than one option. Most respondents selected “well recognised in New Zealand”.

41%	70%	45%	19%	26%	10%	9%
Internationally recognised	Well recognised in New Zealand	Needed for signing off the work I do	Initially assessed	Regularly reassessed	I don’t value CPEng or it is not relevant to me	Something else

Something else

A total of 9% of respondents selected “something else” and 29 respondents specified. Those who specified under “something else” stated that CPEng is a:

- benchmark of quality/professional competence
- adds to the competence of an engineer
- is recognised by employers (including for pay rises) and peers
- supports an engineer’s status or brand, is publicly recognised
- is embedded in legislation
- allows engineers to take stock of work done
- holds the sector and individuals to account; and
- regularly reassessed

Question 2: The most important thing to fix about CPEng

Question 2 asked respondents to select what they consider to be the most important thing to fix about CPEng. Just over half of respondents selected “confusion with the Chartered Membership status”.

32%	43%	53%	23%	37%	13%	9%	21%
Lack of public confidence because of high profile failures by CPEngs	Councils setting up parallel systems for consenting sign-off	Confusion with Chartered Membership status	Assessment is too easy and/or other concerns about the assessment process	CPEng’s lack of appeal for all engineering disciplines	The complaints process needs to be more efficient and proportionate	I don’t think anything about CPEng needs fixing	Something else

Something else

Of those specifying “something else”, 68 respondents provided comment. Comments included the following concerns about CPEng:

- Onerous and bureaucratic nature of the assessment, renewal and reassessment processes, which are not in line with other professional regulation
- Assessments and reassessments do not effectively address risk or address matters of professionalism and ethics
- CPEng process is missing key industry link (independent checking)
- Not enough monitoring of assessors, including consistency in technical competence assessments and reassessments
- Knowledge assessments are not focused on practice areas and there are no practice area registers
- CPEng is not relevant to many disciplines (ie, electrical, academic)
- Bachelor of Engineering Technology holders are unable to obtain CPEng
- Poor administration of CPEng processes, including poor online register, demand for quick decisions and general confusion between competency status and the definition of discipline areas, as well as requirements for registration
- Limited complaints process that focuses too much on case law, involves ineffectual individuals and has little consequences for poor professional behaviour (particularly towards Building Compliance Authorities, Tertiary Authorities and the public)
- Everyone who applies gets CPEng
- Knowledge assessment is redundant with university credentialing
- CPEng innovation targets are unattainable because of the limitations of regulations on work
- General practitioners not appropriately recognised in CPEng process
- CPEng is too generic

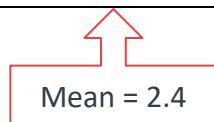
- CPEng’s international mobility is useful but if working overseas it is hard to maintain CPEng as New Zealand-specific knowledge must be demonstrated
- Amount of assessment and reassessment should be proportionate to risk (ie, more assessments/reassessments for those in safety-critical areas of engineering) and reflected in fees
- CPEng does not offer the same recognition as registration as a doctor or lawyer
- There is too much inappropriate overlap between Engineering New Zealand (a professional body) and the RA
- Unethical behaviour is not being caught through the CPEng system
- Lack of acknowledgement of Te Ao Māori, the Treaty of Waitangi and Te Reo Māori
- CPEng is not recognised and is not worth the work required to get it
- The CPEng process does not allow external organisations (territorial authorities, etc) to feed into the assessment and reassessment process

Question 3: Is the overall proposal an improvement on CPEng?

Question 3 asked respondents if the overall proposal was an improvement on CPEng.

- Overall, agreement was nearly neutral, with an average rating of 2.4 out of 5.
- A combined 65% of respondents agreed with the proposal.

17%	48%	21%	9%	5%
1. Strongly Agree	2. Agree	3. Neutral	4. Disagree	5. Strongly Disagree



Question 4: The strongest parts of the proposal

Question 4 was an open question, asking respondents for their view on the strongest part of the CPEng proposal. A total of 191 respondents completed the question, with many respondents nominating more than one thing. The following are key themes that emerged from the comments, including the number of respondents who commented on each theme.

Strongest part of the proposal	No of respondents
Clarity/strengthening of CPEng assessment/reassessment processes	57
Addition of discipline specific CPEng assessment and credentialing	51
Audits instead of reassessments	44
Reduced confusion between Chartered Membership and CPEng	27

Introduction of benchmarks (BOKS)	23
Increased credibility of engineers	21
Improvements to the complaints and disciplinary process	20
None	19
Extending CPEng to be more inclusive of other disciplines	14
Remuneration for practice area assessors	13
Opening CPEng for technicians/technologists	7
Proposed examinations	4

In addition to the key themes above, individual respondents also acknowledged support for linking membership to CPEng, for Engineering New Zealand continuing in its role as the RA, inclusion of general practitioners, managers, project managers and contract managers in CPEng, increased focus on competency/safety and increased clarity of responsibility for CPEng. Two respondents agreed that failed applicants should still pay application fees. With regards to the complaints and disciplinary process, a few individual respondents supported the appeals going to the District Court, mandating a lawyer's involvement in disciplinary proceedings and introducing appeal fees.

A few respondents indicated that the proposal was too complicated, while a few others indicated that they considered implementing the proposal would not address system issues and would increase confusion.

Question 5: Biggest concerns with the proposal

Question 5 generated considerable feedback. A total of 209 respondents provided comment on their concerns with the proposal. As with question 4, these comments were analysed and grouped into common themes. Key themes and the number of comments on each theme are summarised in the following table. Many respondents provided more than one concern.

Biggest concern with the proposal	No of respondents
Perceived increased compliance costs (including time)	23
<ul style="list-style-type: none"> assessments and reassessments will be more onerous 	18
Registration classes	
<ul style="list-style-type: none"> concerned that the proposal will not work for those outside structural design (there are no BOKS for professionals in these fields, etc) 	12
<ul style="list-style-type: none"> CPEng will still be too focused on design engineers (notably structural and civil) 	9
<ul style="list-style-type: none"> concerned there will be too few 	

<ul style="list-style-type: none"> concerned there will be too many concerned that classifications will reinforce discipline silos and create more of an engineering “class system” and a “who you know” divide 	7
CPEng needs to focus on business acumen, communication and ethics	7
Status quo is better than what is proposed (no change is needed) proposal will not address the issues requiring councils to have lists	10
Proposal focuses too much on assessment, without appropriately focusing on the management of failures <ul style="list-style-type: none"> changes proposed will not prevent another CTV building fallout 	7
Raising the bar will lead to a skill shortage and limit uptake by young professionals	6
No concern with the proposal	5
Concern with changes proposed to the complaints and disciplinary process	4
The proposal does not address system issues	3
Not in favour of audits (will be very time consuming)	2
Proposal is hard to digest, complicated and will take a long time to implement	2
Proposal does not clear up CMEngNZ and CPEng confusion	2

In addition, 119 submitters had comments that sat outside the themes above.

Strongest themes

Value of CPEng

Several submitters raised concern about the value of CPEng and the investment needed to fix it. Some of these submitters did not consider CPEng to be worth investment and time. A few stated they had no interest in getting CPEng (neither now nor in the future).

Complaints and disciplinary

Although only a few respondents provided comment on the complaints and disciplinary processes, these comments were the most significant and strongest provided. Respondents outlined significant concern with the current process and their consideration of Engineering New Zealand’s failure to respond to the CTV building fall-out. These respondents had serious concerns that the changes proposed would not prevent a similar situation from unfolding again.

System issues

As above, although there were relatively few comments on the theme of system issues, comments on system issues were lengthy and considered. Respondents were concerned that the proposal would not

address system issues (lack of innovation, poor regulatory environments, sole practitioners with little quality assurance processes, etc) and the failures that result from these issues. They were concerned that the RA was focusing too much on technical competence and not addressing its mandate of ensuring professional competence. One respondent encouraged Engineering New Zealand to consider the Hong Kong model, where the professional body ensures professional competence and the Government is mandated to ensure technical competence.

Assessors

Several submitters commented at length about the assessors used by the RA. These comments focused on the need of the RA to further evaluate and support assessors (through training, compensation, etc) to ensure CPEng assessments and reassessments are undertaken fairly.

Implementation

Several submitters expressed concerned about the lack of detail on implementation. This included what the transition would entail, how the testing would be undertaken, how difficult and time consuming it would be for applicants and assessors, and that it would not be recognised by other stakeholders outside the profession.

SURVEY PART TWO: DISCIPLINE-SPECIFIC CLASSES OF CPENG


Questions 6-8 of the survey asked respondents for their views on the potential addition of discipline-specific CPEng classes.

Question 6: Registration Classes

Question 6 asked respondents whether they supported the creation and development of registration classes for CPEng, with discipline-specific assessments, based on set criteria and developed in consultation with technical groups and regulators.

- Overall, agreement was high, with an average rating of 2.1 out of 5.
- A combined 77% of respondents agreed with the proposal.

30%	47%	10%	10%	3%
1. Strongly Agree	2. Agree	3. Neutral	4. Disagree	5. Strongly Disagree



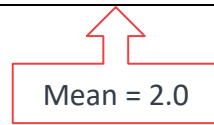
Mean = 2.1

Question 7: Bodies of Knowledge and Skills (BOKS)

Question 7 asked respondents whether BOKS should be used to set robust and consistent minimum standards for CPEng registration in specific disciplines.

- Overall, agreement was high, with an average rating of 2.0 out of 5.
- A combined 79% of respondents agreed with the proposal.

29%	50%	13%	5%	3%
1. Strongly Agree	2. Agree	3. Neutral	4. Disagree	5. Strongly Disagree



 Mean = 2.0

Question 8: Comments on discipline specific classes of CPEng

Question 8 was a free form question. 142 people provided a written response. These responses were summarised into key themes. Where comments did not fit common themes, they were noted separately.

Discipline-specific comment themes	No of respondents
Support proposal	38
Need to ensure general practitioners, construction engineers and non-civil disciplines are covered	11
Do not support	10
Clear guidance needed on developing BOKS (and updating them)	4
Industry involvement needed	3
Skills and experience need to be considered	2
Some disciplines (ie, structural) need to be split into tiers	5
Need to encompass minimum standards not maximum	2
Need to provide better support to assessors	6
Need the right mix of disciplines (concern about too few or too many)	7

In addition to the common themes above, respondents provided considerable comment on the following:

- concerns with compliance costs and transitions
- recommendations to review the United Kingdom and Australian models and not to reinvent the registration processes
- concern about engineers sitting outside classic disciplines and the relevance of the registers to them
- the importance of including professional skills and judgement in determining classes
- that the Government needs to be lobbied to put practice areas in legislation

Respondents also outlined that flexibility is needed and the RA should avoid prescriptive requirements that exclude people unnecessarily.

A few respondents considered the proposal punitive.

SURVEY PART THREE: ASSESSMENT PROCESS

Questions 9-14 of the survey asked respondents to provide feedback on the current assessment process and the possible solutions set out in the CPEng proposal.

Question 9: Setting clearer processes and expectations around assessments

Question 9 asked respondents to rate their agreement with the proposal to set clearer processes and expectations around assessments to ensure a high standard of evidence, the right level of scrutiny of that evidence, and to reduce timeframes and clear confusion.

- Overall, agreement was high, with an average rating of 1.9 out of 5.
- A combined 83% of respondents agreed with the proposal.

33%	50%	13%	3%	2%
1. Strongly agree	2. Agree	3. Neutral	4. Disagree	5. Strongly disagree

Mean = 1.9

Question 10: Streamlining the CPEng validation stage

Using the same 5-point scale, respondents were asked to rate their agreement with the proposal to streamline the CPEng validation stage to avoid inefficiencies.

- Overall, agreement was high, with an average rating of 1.9 out of 5.
- A combined 82% of respondents agreed with the proposal.

36%	46%	14%	2%	1%
1. Strongly degree	2. Agree	3. Neutral	4. Disagree	5. Strongly disagree


Mean = 1.9

Question 11: A strong pool of lead and practice area assessors

Respondents then rated their level of agreement on the fifth CPEng proposal, which was: Reimburse practice area assessors (currently voluntary roles) to better reflect the importance of the practice area assessment, and create a strong wrap-around support framework including clear service expectations, induction, QA processes and ongoing development within the assessor role.

Agreement was slightly lower for this proposal; however, three-quarters of respondents were still in agreement (74%). The overall mean was 2.1.

30%	44%	16%	7%	2%
1. Strongly agree	2. Agree	3. Neutral	4. Disagree	5. Strongly disagree



Mean = 2.1

Question 12: Annual practising certificates and audits

This question measured agreement about annual practising certificates: Introduce annual practising certificates and a flexible model of reassessment/review based on an audit approach. Require that only those with active practising certificates can be on the register.

- A combined 57% of respondents agreed with the proposal; while 18% disagreed and over a quarter (26%) were neutral.

22%	35%	26%	12%	6%
1. Strongly agree	2. Agree	3. Neutral	4. Disagree	5. Strongly disagree



Mean = 2.5

Question 13: Revised reassessment requirements

Instead of automatic reassessment every six years (or less), reassessments would be triggered by an RA audit, or information received from third parties (eg Building Consent Authorities). Clearer requirements around reassessments would be set, to reduce timeframes and confusion.

- A combined 59% of respondents agreed with the proposal; while 16% disagreed and about a quarter (24%) were neutral.

25%	34%	24%	11%	5%
1. Strongly agree	2. Agree	3. Neutral	4. Disagree	5. Strongly disagree


Mean = 2.4

Question 14: Other feedback on the assessment process

Question 14 was an open-ended question that allowed respondents to provide any other feedback that they thought was relevant to the assessment process. 117 respondents provided an answer to question 14. The responses received were very detailed, with many providing more than one suggestion, multiple examples etc.

A preliminary analysis revealed the following main themes:

Themes	Count
Suggestions for options to improve the assessment process	44
Concerns with the current process and proposals	32
Concerns with the proposed audit process	25
Support for audits	23
Comments on practice area assessments and support for assessors	16
Support for audits rather than regular reassessments	17
Support for regular reassessments	10
Comments on the frequency of reassessments	10
Other	5

There was some misunderstanding around the nature of an audit would be, and that an audit would be the trigger for a reassessment. Many submitters expressed concern that our current process would be challenging to fix, particularly with the prescribed nature of reassessments in the Rules.

SURVEY PART FOUR: COMPLAINTS AND APPEALS

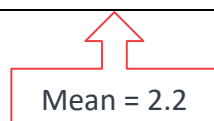
Questions 15 – 24 of the survey asked respondents for their consideration of the proposed changes to the complaints and appeals process.

Question 15: Managing risk

This covered introducing powers for the RA to manage risk with appropriate safeguards, including powers to receive and share serious risk information with other agencies, and to suspend or impose conditions on an engineer pending the outcome of an investigation or reassessment.

- A combined 68% of respondents agreed with the proposal, with a mean 2.2.

25%	43%	24%	5%	3%
1. Strongly agree	2. Agree	3. Neutral	4. Disagree	5. Strongly disagree




 Mean = 2.2

Question 16: RA-driven complaints

This involved providing clear and appropriate pathways for managing complaints that require a professional accountability response, as opposed to those that require a resolution response. This would mean giving the RA, rather than the complainant, control over how complaints are resolved.

- A combined 74% of respondents agreed with the proposal, with a mean 2.10.

24%	50%	21%	3%	3%
1. Strongly agree	2. Agree	3. Neutral	4. Disagree	5. Strongly disagree



 Mean = 2.1

Question 17: Complaint resolution

Question 17 asked whether respondents considered that the RA should be given power to make decisions on complaints at the right level, proportional to the nature of the concerns raised (including taking no further action on a complaint if it is not resolved by early resolution), and powers for an Investigating Committee to make low-level findings and recommendations, leaving Disciplinary Committees free to consider serious misconduct cases. This means giving the RA, rather than the complainant, control over how complaints are resolved.

- A combined 71% of respondents agreed with the proposal, with a mean 2.12.

23%	48%	24%	2%	3%
1. Strongly agree	2. Agree	3. Neutral	4. Disagree	5. Strongly disagree



 Mean = 2.1

Question 18: Remuneration for Investigating Committee and Disciplinary Committee members

Question 18 asked respondents whether members of Investigating Committees and Disciplinary Committees should be reimbursed (they are currently voluntary roles). This would reflect the importance of the complaints and disciplinary process and ensure we can continue to attract the right calibre of decision-makers.

- A combined 68% of respondents agreed with the proposal, with a mean 2.21.

21%	47%	25%	4%	3%
1. Strongly agree	2. Agree	3. Neutral	4. Disagree	5. Strongly disagree



 Mean = 2.2

Question 19: Stringent disciplinary penalties

Question 19 asked respondents whether the RA should introduce more stringent disciplinary penalties in step with other professional regulatory schemes that would act as a sufficient deterrent.

- A combined 66% of respondents agreed with the proposal, with a mean 2.24.

23%	43%	25%	5%	4%
1. Strongly agree	2. Agree	3. Neutral	4. Disagree	5. Strongly disagree



 Mean = 2.2

Question 20: Legal representation on Disciplinary Committees and Appeal Panels

Question 20 asked respondents if they thought every Disciplinary Committee and Appeal Panel should have at least one lawyer as a member.

- Support for question 20 was mixed with 44% agreeing with the proposal, 42% neutral and 15% disagreeing. The mean was 2.6 out of 5.0.

15%	29%	42%	8%	7%
1. Strongly agree	2. Agree	3. Neutral	4. Disagree	5. Strongly disagree



 Mean = 2.6

Question 21: Appeals to the District Court

Question 21 asked if appeals of RA decisions should go directly to the District Court instead of CPEC.

- Support for question 21 was also mixed, with only 32% agreeing with the proposal, 44% neutral and 24% disagreeing. The mean was 2.9 out of 5.0 (nearly “neutral”).

10%	22%	44%	15%	9%
1. Strongly agree	2. Agree	3. Neutral	4. Disagree	5. Strongly disagree



 Mean = 2.9

Question 22: Limiting the right of appeal

Question 22 asked if the right of appeal should be limited to final decisions by the RA.

- Support for question 22 was again mixed, with only 35% agreeing with the proposal, 47% neutral and 19% disagreeing. The mean was 2.8 out of 5.0 (nearly “neutral”).

11%	24%	47%	11%	8%
1. Strongly agree	2. Agree	3. Neutral	4. Disagree	5. Strongly disagree


 Mean = 2.8

Question 23: Appeal fees

Question 23 asked respondents if the RA should introduce appeal fees to cover some of the expense incurred through the appeals process. If the appeal was successful, the money would be refunded.

- 57% agreed that fees should be introduced, 31% were neutral about the proposal and 14% disagreed. The mean was 2.46 out of 5.0.

15%	42%	31%	5%	6%
1. Strongly agree	2. Agree	3. Neutral	4. Disagree	5. Strongly disagree

↑
Mean = 2.5

Question 24: Comments on complaints and appeals

Question 24 was a free-form question and 60 respondents provided comment. Key themes are outlined in the table below.

Key themes – complaints and appeals	No of respondents
General support for proposal	8
Do not add lawyers to the process	6
Simplification of process is needed	4
Proposals do not appropriately address natural justice considerations	4
Complaints need to be resolved in a timely manner	4
Engineering New Zealand should support members, not drive disciplinary processes	2
Only staff lawyers should be on committees	1
Appeals should not go to the District Court	1
Appeals should go to the District Court	1

In addition to the comments above, respondents expressed concern about compliance costs (both for engineers and Engineering New Zealand), concern that individuals are the focus of the complaints process not firms, concern about natural justice if an engineer needs to pay to appeal, and concern that reimbursing those on committees will lead to poorer outcomes.

Some respondents proposed options that are already part of the complaints process; for example, engaging experienced engineers to review complex technical complaints before they are decided, and having a consumer representative on Disciplinary Committees.

Many engineers expressed concern that the proposal was punitive. This was highlighted by respondents expressing the view that Engineering New Zealand should support its members not drive disciplinary processes. There was general confusion among respondents that it is the RA who drives the CPEng disciplinary process and not Engineering New Zealand. The line between the RA and the professional body was not generally understood by respondents, as it relates to the complaints and appeals process.

The matter of lawyers sitting on committees/panels was divisive. A few respondents did not understand that it is not currently a requirement for Appeal Panels to have a lawyer as part of the panel.

SURVEY PART FIVE: RELATIONSHIP BETWEEN CPENG AND MEMBERSHIP


Questions 25-28 of the survey asked respondents for their views on the relationship between CPEng and membership.

Question 25: Expand CPEng

Question 25 asked respondents whether CPEng should be expanded to make it sufficiently inclusive for professional engineers from all disciplines. Should the RA create complementary quality mark registers for Engineering Technologists, Engineering Technicians and Engineering Geologists, with clear postnominal differentiation?

- Overall, agreement was high, with an average rating of 2.1 out of 5.
- A combined 74% of respondents agreed with the proposal.

32%	42%	16%	7%	4%
1. Strongly agree	2. Agree	3. Neutral	4. Disagree	5. Strongly disagree



Mean = 2.1

Question 26: Membership and CPEng

Question 26 asked respondents if membership to Engineering New Zealand should be included with annual CPEng registration (with opt-out processes for those who wished to retain CPEng but not Engineering New Zealand membership).

- Overall, agreement was high, with an average rating of 2.3 out of 5.
- A combined 70% of respondents agreed with the proposal.

22%	48%	17%	6%	8%
1. Strongly agree	2. Agree	3. Neutral	4. Disagree	5. Strongly disagree


Mean = 2.3

Question 27: Chartered Membership

Question 27 asked respondents for their views on whether or not Chartered Member status should be modified, disestablished or otherwise changed. If Chartered Member was disestablished, this could potentially mean creating chartered registers for Engineering Technologists, Engineering Technicians and Engineering Geologists, with clear post nominal differentiation from CPEng.

A total of 157 people provided comment on this question. The following are the key response themes and the number of respondents who made comment on each theme.

Key theme	No of respondents	Percent of respondents
Support the disestablishment of CMEngNZ	60	45%
Support the addition of registers for Engineering Technologists, Engineering Technicians and Engineering Geologists	21	13%
Do not support the disestablishment of CMEngNZ	20	13%
Support a clear definition (including postnominals) for registration	12	8%
The system is overly complex and needs simplifying	12	8%
No view	3	2%

Many respondents remarked that the existence of both CMEngNZ and CPEng was confusing, especially to clients/the public. Respondents provided strong views on the use of the word “chartered”. Many considered that a chartership status should only be for professional engineers (who they defined as those obtaining a four-year Bachelor of Engineering or higher). Some felt that including it in a membership class had tarnished the status of CPEng. Others felt strongly that chartership must be open to Engineering Technologists, Engineering Technicians and Engineering Geologists. As above, many supported the idea of registers for Engineering Geologists, Engineering Technicians and Engineering Technologists. Some expressed support for the current system.

A number of respondents provided possible “titles” outside of CPEng (registered, professional, etc). A number of respondents encouraged the RA to review processes in other countries (notably the United Kingdom and Australia).

Question 28: Additional comments about the relationship between CPEng and membership

Question 28 was an open question. 85 respondents answered the question. Not all responses were relevant to the question. Responses that were not relevant to the question were saved elsewhere and will be followed-up separately. The key themes of answers to question 28 are as follows:

Key theme	No of respondents
Support a clear separation between chartership through CPEng and membership	18

CPEngs should not be required to be members	12
CPEngs should also be members	11
Engineering New Zealand should not be involved with CPEng and membership with the professional body should be separate from chartership	9
A simple and clear membership/CPEng pathway is needed	7
Concerned with increased compliance costs	6
Support options as set out in the proposal	5
Chartership should only be for CPEng	5
CPEng needs to be inclusive of Engineering Technologists, Engineering Technicians and Engineering Geologists	4
Public is confused, process needs to be simplified	2

Other individual comments included:

- more transparency of CPEC is needed (minutes of meetings, etc)
- wide promotion of CPEng is needed (to the profession and to industry)
- there is no place for self-regulation of safety-critical work (Government involvement is needed)
- different engineering disciplines should have different professional bodies
- support for clear areas of practice
- no other postnominals (apart from CPEng) are needed; and
- consideration should be given to overseas models (for example, ICE)

Conclusion

Feedback on Engineering New Zealand's CPEng review document was extensive. While there was widespread support for the proposals outlined in the CPEng review document, written feedback on the proposals advised caution as well as optimism.

Appendix 2: Common misunderstandings

As we reviewed feedback on the CPEng review proposals, some common misunderstandings emerged from the feedback. We've summarised these here to help clarify what current requirements and functions actually are.

Chartered Membership (CMEngNZ) requirements

Many submitters did not understand that everyone holding CMEngNZ has passed an assessment, committed to ethical conduct and committed to ongoing professional development. The CMEngNZ assessment is, in many ways, similar to the CPEng assessment. The major difference is that CPEng holders must demonstrate New Zealand-specific engineering knowledge. CPEng holders are also required to be reassessed every six years, while CMEngNZ holders are not reassessed after their initial assessment.

Intent of the proposed RA audit function

The CPEng review document proposed an audit to replace fixed six-yearly CPEng reassessments. However, under the Act, we must undertake to regular reassessments. As we work through next steps for the proposal, we need to identify where these reassessments sit and how an audit function could trigger a reassessment. At this point in time, unless we can change the Act, we need to work through options for reassessment and the audit in tandem. If we were to introduce any change in this area, we would consult again on the details.

Limitation on the RA's ability to prosecute

Several submitters commented on our ability to appropriately discipline professionals who have breached the Code of Ethical Conduct or other professional standards. The RA's powers to discipline CPEng holders come from clauses 20-23 of the Chartered Professional Engineers of New Zealand Act 2002. Clause 22(d) of the Act sets out available penalties, including removal or suspension of registration, censure, and a maximum fine of \$5,000.

We do not consider these powers appropriate in cases of serious professional misconduct by a CPEng holder. In comparison, Engineering New Zealand's own Rules (for its members) provide greater powers and stricter penalties, including fines of up to \$10,000 and the ability for a member to be suspended pending the outcome of an investigation (where there is significant risk to the public). We think the RA should have stronger powers to manage risk and hold CPEng holders accountable.

In addition, the disciplinary process as set out in the Act and CPEng Rules is cumbersome to manage in practice. It has three stages, and little in the way of flexibility for resolving less serious complaints: all complaints must either be dismissed or referred all the way through to a Disciplinary Committee. The proposals in the CPEng document are intended to streamline these processes and are aimed at increasing the efficiency of the RA to resolve disciplinary matters.

Engineering New Zealand's and the RA's roles in administering CPEng

Many submitters outlined concern about the role and separation of Engineering New Zealand and the RA in administering CPEng. Under the Act, the Institution of Professional Engineers of New Zealand Incorporated (Engineering New Zealand) is the RA. Together with the Chartered Professional Engineers Council, Engineering New Zealand's Governing Board (acting as the RA Board) provides oversight of registration services.

In 2019, Engineering New Zealand responded MBIE's call for submissions on occupational regulation. In that submission we outlined our view that the function of running professional registers should sit separately from professional membership body services. In our view, the two functions need to be governed separately to ensure any real or perceived conflicts of interest are managed appropriately. This does not mean the professional body should not manage registration functions, but it does mean accountability for that function should be separate from governance of the membership function. For example, by having different boards governing each function. Many submitters reflected on this in their feedback on our CPEng review document. We are taking this feedback seriously and will work to separate the two governance functions over the next year. This includes a change to the governance arrangements of the RA.

Why can't there be a requirement that engineers hold CPEng?

The Chartered Professional Engineers Act was established to set a quality mark for engineers (which is CPEng). The Act was not intended to limit work engineers can do. As such, under the Act, there is no engineering work that is limited to CPEng holders.

Ideally, certain engineering work (with significant life-safety implications) would be restricted to professionals who can be held to account for serious professional misconduct. This is good for the public and for the profession. While this is outside our control, we are in discussions with Government about this.