

DISCIPLINARY COMMITTEE DECISION REGARDING A CHARTERED PROFESSIONAL ENGINEER REMOVED FROM THE REGISTER

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A Building Consent Authority (BCA) raised six specific examples in a complaint against a Chartered Professional Engineer.

The Disciplinary Committee (DC) was satisfied that, in most of the examples cited, the Chartered Professional Engineer had signed Producer Statements covering work that did not comply with the Building Consent and in some cases did not comply with the building code.

As part of its processes, this BCA relied on Producer Statements as one component of reasonable grounds when issuing Building Consents or Code Compliance Certificates (CCC). The BCA's policy required an engineer who had been accepted onto its register, to agree to conditions of practice that included leaving a record of any on-site inspection to verify a visit had taken place.

In this case, the engineer failed to fulfil those obligations, and he ignored and failed to notify non-compliant work as required by section 89 of the Building Act. He submitted to the DC that he could ignore it because he was providing construction monitoring only to CM2 level.

The DC was satisfied the engineer had performed engineering services in a negligent manner and noted he had not recognised the significance of the Producer Statements to the BCA. He failed to display an appropriate duty of care to the BCA, his clients and future owners of properties, and did not accept responsibility for his actions. The DC decided it must act to protect the public by preventing the engineer from practising.

The DC ordered the:

- Engineer be removed from the Chartered Professional Engineers Register
- Engineer to pay a contribution to the costs of \$8,000
- Names of the BCA personnel involved in the inquiry to remain confidential.

On appeal, the Chartered Professional Engineers Council:

- Confirmed the decision to remove the engineer's registration
- Reduced the costs' contribution to \$5,492.95 (50 per cent of the actual costs)

- Ordered the engineer's name be kept confidential

A redacted version of the committee's determination removing all identifying details of the parties can be found [here](#).