

6 September 2023

LGOIMA No. 8140011858  
(Please quote this in any correspondence)

Hunter K

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Tēnā koe Hunter

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**Local Government Official Information And Meetings Act 1987**

**Producer Statement Authorship**

Thank you for your information request dated 23 April 2023, regarding the Producer Statement Authorship (PSA) structural engineering register. My sincere apologies for the delay in getting this response to you and thank you for your patience while we have worked on this response.

In response to your request, I consulted with the council's Building Consents department to provide relevant information. The specific details of your request and our response is below.

Under the Local Government Official Information and Meetings Act 1987 (LGOIMA), please provide all information regarding the Producer Statement Authorship (PSA) structural engineering register:

- 1. the rationale for the need to evaluate structural engineer's qualifications for the PSA register when there is already an established CPEng registration process with Engineering New Zealand. Please provide decision-making and advice documents leading to this decision;**

As is stipulated in the Producer Statements (**PS**) Policy, the council's acceptance of PS is used to complement the processing and inspection process involved an assessing building work. The use of PS's is not formally part of the current Building Act regime, and the establishment of the PS Register process in a non-statutory system developed and maintained by the council to facilitate more efficient and cost-effective consenting and inspections processes. The separate PS Register process allows the council to specifically manage which PS can, in principle, be accepted (without the need further thorough expert review) from authors who are on the register (which is regularly reviewed), provided they work within the scope of approval.<sup>[1]</sup> That is, the council will accept PS from authors on the PS Register on face value, without conducting a thorough review of the building work referenced in the PS, which the council would otherwise need to do.

As can be appreciated, while this process affords considerable benefit to authors (in terms of time and cost) this process can also imposes a level of risk on the council through reliance on other professionals who are not under the direct control, training and

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<sup>[1]</sup> See pages 4–6 of the PS Policy about Acceptance of producer statements and Policy of having Register.

monitoring of the council. Therefore, the council is careful with who it adds to its PS Register, in particular where an author wishes to be registered for high-risk work.

In contrast, if an author submits a PS who is not on the PS Register for that type of work, then Council will need to engage in a detailed review of the PS as it cannot rely on their PS at face value. A detailed review of PS requires the council to be satisfied on reasonable grounds that the building work referenced in the PS complies with the Building Code. This additional work undertaken by the council is then charged to the applicant.

Engineering NZ is not involved in the council's assessment of applications of individuals to be added to the council's PS Register as this is a process that is solely run by the council. Rather, Engineering NZ provides CPEng (Chartered Professional Engineer) Status to Engineers through their own competency framework that is separate from the PS assessment process carried out by the council. Engineering NZ is aware that the council (and other councils in New Zealand) run this type of PS Register.

There are a number of factors for why the council chooses to hold a separate Register that requires a higher level of rigour in establishing areas of competence compared to Engineering NZ. These factors include:

- a. *Mitigating risk of litigation* – CPEng Engineers are assessed as competent, provided a practice description and are permitted to work in perhaps other fields of engineering should they so choose. However, this is not a scope of approval to perform high-risk engineering work. An example of this could be a Fire Engineer deciding to work in the structural area. Council considers that if PS are supplied by Engineers in unrelated areas of work, this could pose an unacceptable level of risk that may be the subject of litigation or scrutiny in future years should there be a systemic failure.
- b. *Efficiency of assessment* – if Council did not have a PS Register and was required to review or assess every PS supplied and provide a level of scrutiny required to assess this information, it would result in significant cost and time to the consenting process. Council strongly believes this would also increase the cost to Auckland Ratepayers.
- c. *Compliance with Building Regulations* – Council must record decisions, reasons for decisions and outcomes of the decisions.<sup>[2]</sup> Acceptance of a PS from an applicant requires Council to confirm on reasonable grounds why Council accepts the PS, which may also require an assessment of the skills held by the applicant. Having the PS Register allows Council to refer to the registration number of the registered author rather than having to assess their ability to do so every time they supply documents. This requires Council to have a detailed level of rigor when determining reasons for acceptance of PS Authors and their documents as part of consenting.
- d. *Clearer controls* – clearer controls on who can provide PS to Council. There have been situations in the past where Council has had to remove people from Auckland Council's PS Register due to concerns with their technical competency.

A copy of the Auckland Council Producer Statement Policy (AC2301) is publicly available on the [Auckland Council website](#).

## **2. what are the minimum requirements for structural engineers to be on the “high risk” register (e.g. how many projects, level of involvement, how seniors who do not do “number crunching” are assessed)**

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<sup>[2]</sup> Building (Accreditation of Building Consent Authorities) Regulations 2006, clause 6(b), (c) and (d).

The requirements to appear on the register for High-Risk are specified within the attached Policy and the Application form.

For clarity the following criteria is required as a minimum:

1. CPEng Engineer with:
  - a. a base degree in the field of engineering they claim competence for
  - b. significant experience (10+ years); and
2. Evidence and copies of Certification of an approved Quality Assurance system in place, or QMP/PQP.
3. Appropriate insurance cover
4. CV
5. Qualifications
6. Details of their role in at least 4 High Risk applications including design brief for each project
7. Technical referees (3)

**3. the review process in the event of any disagreement/dispute over the structural engineering PSA register, in particular disputes over “high risk” applications;**

In the event of any disagreement or dispute with their application, an applicant can email the producer statement email address and request a review of their application. This is escalated to the Manager Building Consents Capability. Once a request is received, the Manager can determine whether a full review is required, whether the applicant needs to be contacted to discuss and provide sufficient direction on next steps from there.

An applicant can also make a formal complaint if they are not satisfied with the outcome of their application in a similar manner to all applications at the council.

Auckland Council is currently reviewing the Producer Statement Author process and, in the interim, has commenced issuing a proposed outcome where the application is proposed to be declined. This enables the applicant to discuss or clarify any issues prior to the final decision being reached.

- 4. how the current external consultant who assess applicants were selected including any tender documents;**
- 5. who is the current consultant reviewing “high risk” applicants for the PSA register, and what are their credentials;**
- 6. how much has Auckland Council paid the current external structural engineering consultant for “high risk” candidate qualification assessments for the 5 years ending 31 March 2023.**

Auckland Council considers that this information requested should be withheld under Section 7(2)(b)(ii) the Local Government Official Information and Meetings Act 1987 (LGOIMA), when it is necessary to do so, where making the information available would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

**7. conflict of interest process or policy for PSA registration assessments;**

Conflicts of Interest are dealt with under s.20 of the AC2301 Producer Statement Policy. This clause applies to all authors. If an Assessor undertaking an assessment is conflicted, they must absent themselves from the decision-making process and the council will engage another assessor internally or externally to review the application.

Decisions about this response to your request were made by **Ian McCormick**, General Manager Building Consents.

Should you believe Auckland Council has not responded appropriately to your request you have the right to seek a review of the decision from the Ombudsman.

If you have any further queries please contact me on 09 301 0101, quoting LGOIMA No. 8140011858.

Ngā mihi

A handwritten signature in black ink, appearing to read 'Jenny Hua', written in a cursive style.

Jenny Hua  
Senior Privacy & Official Information Business Partner  
**Governance Services**