
Terms of reference

for Own Motion Inquiry into the engineering of six buildings in Masterton

The Institution of Professional Engineers New Zealand (IPENZ), as the Registration Authority for Chartered Professional Engineers under the Chartered Professional Engineers of New Zealand Act 2002 (the Act), has launched an Own Motion Inquiry into matters arising from the engineering of six buildings in Masterton.

Background to the Inquiry

The Inquiry has been prompted by questions raised about the structural integrity of six relatively new buildings in Masterton. IPENZ understands that those buildings may have had Chartered Professional Engineers involved in their design and sign-off.

Jurisdiction and scope of the Inquiry

The Inquiry is being launched pursuant to Rule 55(1) of the Chartered Professional Engineers of New Zealand Rules (No 2) 2002 (the Rules). Under Rule 55(1), IPENZ may start such an inquiry if it has reason to suspect that a Chartered Professional Engineer (or engineers) may come within the scope of section 21 of the Act.

The scope of the Inquiry is to conduct an initial investigation into:

The circumstances relating to the design, design review and construction monitoring of six buildings in Masterton:

- *to assess whether the Chartered Professional Engineers involved have provided engineering services in accordance with accepted standards; and*
- *to learn and advise on any engineering performance and practice improvements, if necessary.*

The buildings are: 57-65 Dixon Street (Beaurepaires); 96-120 Queen Street (Avanti Cycles); 408 Queen Street (Micro Plumbing); 57-65 Dixon Street (Carpet Court); 57-65 Dixon Street (FMG Offices); 172 Dixon Street (Toyota) (the Buildings)

IPENZ is aware that any actions taken by individual Chartered Professional Engineers are influenced by the systems and processes that they operate within. Understanding those systems and processes is important in understanding the behaviour of individuals. Accordingly, the purpose of the Inquiry is twofold:

- to understand whether or not, in relation to the conduct of any Chartered Professional Engineer(s), the circumstances of the design and sign-off of the Buildings disclose matters that may fall within the scope of section 21 of the Act and, if so, whether those matters should be referred to an Investigating Committee in accordance with Rule 59(b); and

- in the course of the initial investigation, to better understand the context of the design and sign-off of the Buildings, including systemic issues, if any, and to identify if any matters warrant further consideration by the Board of IPENZ in the light of the purposes of the Act, including preserving the title of Chartered Professional Engineer as a mark of quality. The Inquiry may also identify wider learnings for the profession.

Inquiry process

The first step in the Inquiry is to carry out an initial investigation in accordance with Rule 58(b). This is an information-gathering and issue-identifying stage that will identify the background to the design and sign-off of the Buildings.

The process will be managed by IPENZ and led by an investigator, in accordance with the requirements of the Act and the Rules. Input and information will be sought from a wide range of stakeholders to the design, construction and sign-off of the Buildings. Specific notice to individual Chartered Professional Engineers will be given where it is appropriate in accordance with the principles of natural justice.

Expert engineering input will be obtained where appropriate.

In accordance with usual process, any decisions resulting from the initial investigation, insofar as they relate to individual Chartered Professional Engineers, will be made by senior engineers appointed by the Board and who have delegated authority under the Rules to make those decisions.

It is anticipated that the initial investigation may take a number of months. All affected parties will be kept updated on its progress and appropriately consulted with throughout.

Additional background

The Registration Authority is governed by the Rules, which set out how it functions and its decision-making processes.

To meet its statutory functions under the Act, the Registration Authority has a delegated decision-making structure. This ensures there is no conflict of interest with IPENZ's other roles as the membership-based professional body for engineers. No member of the governing board of IPENZ or its staff can make decisions on disciplinary matters under the Act.