

# ENGINEER CENSURED FOR FIRE SAFETY FAILINGS

This article appeared in Engineering Dimension in February 2014.

On 27 September 2013, a Disciplinary Committee considered a complaint raised in November 2012 by an employee of the New Zealand Fire Service. In that complaint, it was alleged Richard Catterall MIPENZ of Mangonui, Northland, prepared a fire report that was considered sub-standard.

Mr Catterall's fire report concerned the conversion of part of an existing building from offices to a dental clinic. The area was a small part of a larger complex. The report, "Fire Assessment in Accordance with C/AS1 (2005)", stated that it treated the area of the conversion "in isolation".

Section 112 of the Building Act requires that a Building Consent Authority must not grant a building consent for the alteration of an existing building, or part of an existing building, unless it is satisfied that after the alteration the building will comply as nearly as is reasonably practicable, with the provisions of the Building Code relating to means of escape from fire.

The Fire Service highlighted its concerns that the compliance document (C/AS1) had not been applied correctly and that there was insufficient information in the report to determine whether the design was adequate. It also noted that, "The fire report has neither assessed the occupancy of the rest of the building nor provided any justification for their exclusion (e.g. by fire separating this tenancy from the rest of the building)".

Mr Catterall said he considered it was not reasonable to expect upgrades to modern fire standards in the remainder of the building as the cost of this would cause the whole project to "be dropped". He explained that the community was quite poor and he only charged \$690 for the work, being about 50 per cent of his normal fee.

Mr Catterall advised that consent had been granted and the dental centre was opened with a public ceremony. He also advised he was the only engineer north of Kerikeri and that many people came to him for all sorts of engineering activities. Ninety per cent of his building work is single storey. He had completed 50 to 70 fire designs over the last five years, although he had now decided he would no longer carry out fire designs as he wished to reduce his workload and the recent changes to the Building Code had made the analysis work more complex.

The Disciplinary Committee upheld the complaint that Mr Catterall failed to consider the requirement in section 112 of the Building Act to report on the means of escape for the building as a whole. In doing so, he breached rule 43 contained in the CPEng code of ethical conduct (to take reasonable steps to safeguard health and safety) and section 21(1)(c) of the CPEng Act (having performed engineering services in a negligent manner).

The Committee made the following orders:

- That Mr Catterall be censured
- That Mr Catterall be ordered to pay the Registration Authority \$5,500 plus GST towards the costs of the investigation, hearing and determination of the complaint

That Mr Catterall be named in an article in the official journal of IPENZ and the nature of the breach be described for other Members' benefit.