



PRACTICE ALERT

6 August 2025

An important message about the use of PS4 producer statements

Following concerns raised by Building Consent Authorities (BCAs) regarding altered Producer Statements - Construction Review (PS4) documents submitted for Code Compliance Certificate application, Engineering New Zealand, ACE New Zealand, and CEAS provide this advisory to clarify expectations and professional standards.

Issue Identified

Some engineers have been altering PS4 statements by striking out the clause: "We have sighted the Building Consents and the conditions attached to them". This practice has raised significant concerns about:

- Professional accountability and responsibility
- Regulatory confidence in producer statements
- Economic impacts on homeowners through additional compliance processes
- Consistency with established industry standards

Industry Position

Engineering New Zealand, ACE New Zealand, and CEAS emphasise that alterations to PS4 statements are not in the best interests of the profession and undermine trust and confidence in producer statements. Practitioners should not alter or strike out the wording on the standard forms, and altered statements should not be accepted by BCAs or by other practitioners who wish to rely on PS4.

Note: Claims that industry bodies support alterations to PS4 templates are incorrect and do not reflect the established positions of professional organisations.

Professional Expectations for Engineers

Standard Requirements:

- PS4 forms must not be altered from the standard template
- PS4 authors and other engineers working under their direction, who undertake construction monitoring, shall sight building consents and attached conditions prior to commencing construction monitoring.
- Professional responsibility extends to understanding consent conditions relevant to the statement being provided.

Clarification on Scope:

- The key words in making the certification on the PS4 are “*the Building Consents and the conditions attached*”. This refers to the actual consent approval document issued by the Building Consent Authority; not all the documentation submitted with the consent application. The consent document is typically 3-6 pages long and will usually contain conditions e.g. ‘Structural Engineer to carry out construction monitoring and provide a PS4’. This is what an engineer must sight prior to commencing monitoring works. Sample consents are attached to this advisory for clarification.
- Engineers undertaking construction monitoring are expected to review consent conditions relevant to their practice area.
- If the construction monitoring firm is different to the firm that carried out the design, then the construction monitoring firm should have a reasonable understanding of the original designer’s **design intent**¹. However, the construction monitoring firm is **not** expected to assume responsibility or liability for the original design. This would also apply if a construction monitoring firm takes over the construction monitoring partway through the construction process.
- The CPEng (PS4 signatory) must be satisfied that they, and anyone undertaking construction monitoring on their behalf, has the necessary competency to do so.
- If the CPEng (PS4 signatory) has also undertaken some construction monitoring on behalf of another practitioner, e.g. a structural engineer inspecting residential ground conditions on behalf of a geotechnical engineer, then this should be explicitly explained in the schedule accompanying the PS4.
- When BCAs, or other practitioners, receive PS4s that have amended wording, they should not accept the PS4 and they should advise Engineering New Zealand and ACE NZ.
- Professional responsibility cannot be avoided through template alterations

Risk Management

Professional Risk: Properly managed through understanding the scope of involvement and ensuring adequate review processes, not through altering standard forms.

Legal Clarity: The Bella Vista judgement² appears to have had the effect of fostering an interpretation where a PS4 is seen to confirm compliance with the Building Code, as distinct from its primary, and explicitly stated purpose of confirming adherence to the building consent. This interpretation has exacerbated concerns among firms undertaking construction monitoring for work they did not design, resulting in apprehension regarding liability for design defects. This is not the interpretation of Engineering New Zealand or of ACE New Zealand, and in any event, the wording of the PS4 is specific in this regard.³

Quality Assurance: Where engineers have concerns about scope, appropriate project management and coordination processes should be implemented rather than modifying standard forms.

Legislative Risk: Engineers who carry out construction monitoring without having sighted the issued consent run the risk of condoning unconsented work. This is an offence under the Building Act⁴.

¹ 'Design intent' is defined as the purpose, function, and key aspects of the design, as expressly documented within the design documentation, including, but not limited to, the drawings, specifications, and any accompanying Design Features Report.

² Cancian v Tauranga City Council CA280/2022 [2023] NZCA 257

³ As stated on the PS4 document and Practice Note 1: Guidelines on Producer Statements.

⁴ Section 40 of the Building Act 2004

For Building Consent Authorities

Assessment Approach:

- Altered PS4s should be treated as non-compliant, and Engineering New Zealand and ACE New Zealand should be advised.

Industry Impact

The practice of altering PS4s:

- Undermines established regulatory processes
- Creates additional costs for building owners
- Reduces efficiency in the building consent system
- Damages professional credibility

Conclusion

Engineering New Zealand, ACE NZ, and CEAS expect all Chartered Professional Engineers to use standard, unaltered PS4 forms and to implement appropriate professional processes to manage their scope of involvement and professional responsibilities.

Building Consent Authorities are supported in treating altered PS4s as non-compliant with standard requirements.

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