

# Consultation submission form

## Licensed Building Practitioners Regime

Supervision, licence classes and minimum  
standards of competence



## How to submit this form

### How to submit this form

This form is for feedback on proposals in the discussion document *Licensed Building Practitioners Regime – Supervision, licence classes and minimum standards of competence*.

When completing this submission form, please provide comments and reasons for your views. Your feedback provides valuable information to help the Ministry of Business, Innovation and Employment (MBIE) think about how to respond to the issues raised.

**You can submit this form by 5pm, 31 May 2021 by:**

- Email to: [building@mbie.govt.nz](mailto:building@mbie.govt.nz) with subject line 'LBP consultation 2021'

Or

- post to:  
Building Policy  
Building, Resources and Markets  
Ministry of Business, Innovation & Employment  
PO Box 1473

### Use of information

The information provided in submissions will be used to inform MBIE's policy development process, and will inform advice to Ministers on the Licensed Building Practitioner scheme. We may contact submitters directly if we require clarification of any matters in submissions.

### Release of information

MBIE intends to upload PDF copies of submissions received to MBIE's website at [www.building.govt.nz](http://www.building.govt.nz). MBIE will consider you to have consented to uploading by making a submission, unless you clearly specify otherwise in your submission.

If your submission contains any information that is confidential or you otherwise wish us not to publish, please:

- indicate this on the front of the submission, with any confidential information clearly marked within the text
- provide a separate version excluding the relevant information for publication on our website.

Submissions remain subject to request under the Official Information Act 1982. Please set out clearly in the cover letter or e-mail accompanying your submission if you have any objection to the release of any information in the submission, and in particular, which parts you consider should be withheld, together with the reasons for withholding the information.

## How to submit this form

MBIE will take such objections into account and will consult with submitters when responding to requests under the Official Information Act 1982.

### **Private information**

The Privacy Act 2020 establishes certain principles with respect to the collection, use and disclosure of information about individuals by various agencies, including MBIE. Any personal information you supply to MBIE in the course of making a submission will only be used for the purpose of assisting in the development of policy advice in relation to this review. Please clearly indicate in the cover letter or e-mail accompanying your submission if you do not wish your name, or any other personal information, to be included in any summary of submissions that MBIE may publish.

## Submitter information

### Submitter information

MBIE would appreciate if you would provide some information about yourself. If you choose to provide information in the "About you" section below it will be used to help MBIE understand the impact of our proposals on different occupational groups. Any information you provide will be stored securely.

#### A. About you

Name:

Nicholas Hill

Email address:

[nickhill@boinz.org.nz](mailto:nickhill@boinz.org.nz)

#### B. Are you happy for MBIE to contact you if we have questions about your submission?

Yes

No

#### C. Are you making this submission on behalf of a business or organisation??

Yes

No

If yes, please tell us the title of your company/organisation.

The Building Officials Institute of New Zealand (BOINZ)

#### D. The best way to describe your role is (tick more than one if applicable)

Licensed building practitioner

Engineer (please specify below)

Non-LBP tradesperson (please specify)

Residential building owner

BCA/Building consent officer

Commercial building owner

Education/training/skills

Other (please specify below)

Designer (please specify below)

Prefer not to say

Please specify here.

Chief Executive of BOINZ, the peak body for Building Surveyors across New Zealand of which approximately 68 - 70% of our membership work in Building Control, processing building consents and undertaking inspections.

## Supervision

## Supervision

Pages 21 to 24 of the discussion document talk about potential issues with supervision of LBPs.

### Questions for the consultation

1. Do you believe that supervision is currently working as it should be? Why/why not? If not, what do you think can be done to improve it?

We support a scheme where a supervisor has the right skills, knowledge, experience, and behaviours to carry out and supervise quality building work. Nowhere is there recognition that a qualified and experienced building surveyor has a place in the LBP scheme. While we advocate that a building surveyor currently working within a BCA is not entitled to supervise LBP building work, the qualification for someone outside the BCA environment should warrant an ability to supervise building work.

We would also encourage the need for a definition around “remote supervision”. In particular, there should be a clause that a supervisor must be on site for every inspection.

A tighter definition of supervision, we believe, would naturally lead to employing more LBPs with appropriate Licence Classes. This would drive cultural and behavioural change across the built sector and improve build outcomes.

2. Do you believe that remote supervision is being carried out correctly? Are you aware of instances of it being abused? If so, what can be done to remove the risks that can occur when remote supervision is abused?

We are aware many supervisors linked to residential development companies, with multiple builds being undertaken and erected, are based off-site and rarely visit the construction site.

This puts the technical risk on the licenced LBP person who often works in ignorance of the broader build requirements and outcomes, thereby affecting compliance and quality. So, if the supervisor never steps onto the site, it risks substandard building work. A tighter definition of remote supervision, which involves site visits and audio-visual review requirements, would assist all parties, and build outcomes.

We also recommend Qualification/Accreditation skills for supervisors with a “Grandfather” clause, allowing current supervisors to gain these qualifications over a defined period of time.

3. Do you believe that supervision of specialised non-LBPs is a problem within the sector? If so, what are the problems it causes?

Yes, the sector is becoming more and more specialised, and we believe it is appropriate to create and grow specific Areas of Practice with RBW to recognise micro-credentials and industry qualifications/training (Accreditation/Registration).

In particular, we do see issues where LBPs are using their LBP status to mislead the public. Specifically, they are licensed to carry out and supervise quality building work only, not to carry out building surveying. It is our belief continuation of this practice could bring the LBP scheme and its regulator into disrepute if a “building inspector” was taken to task on a misrepresentative or poor building report while also claiming that their skills as an LBP has given them a competency to undertake building surveying in the area of Pre-purchase Property Inspection (PPI), when clearly, they have no training or accreditation in this field. More importantly, LBPs that work in this space do not carry the appropriate and required insurance to undertake

## Supervision

PPI and this has significant impacts in regard to residential building ownership and building problem awareness.

- 4. Do you believe that supervision should only be available to certain LBPs? If so, what criteria should be used to decide if an LBP can supervise restricted building work?**

We see supervision as a pathway of career growth and should be available across all license classes, so long as they can demonstrate their competence, hence as stated above, we support qualification or accreditation of supervisors.

- 5. Do you believe that the ability to supervise restricted building work needs to be addressed within the competencies?**

Yes, and we strongly support the LBP scheme placing greater emphasis on formal education and training.

Formal education being an entry pathway, and a discourager from using unskilled labour in highly technical and systems areas.

We also see value in ongoing training supporting specific supervision competencies. This training could be micro-credentialling, for example, in the growing specialisation fields such as membrane waterproofing.

Similarly, we see an urgent need for supervision credentialling in both passive fire installation, solid fuel burner installation, specialist window installation and earth building supervision. (we will address LBP requirements in respect of disciplines in Q8). These are critical build and install areas that impact on structure, fire safety and weathertightness.

## Licence classes

### Licence classes

Pages 25 to 29 of the discussion document talk about reviewing the licence classes for the LBP scheme.

#### Questions for the consultation: do the current classes accurately reflect what needs to be regulated in the building industry?

6. Do you believe that specialised professions where members are not LBPs are being adequately monitored and operating correctly under the current scheme?

No, we believe supervisors need to lift their game and this can be done through training or micro-credentials and can be reinforced through mandatory CPD requirements.

7. Do you believe any of the current classes no longer need to be covered by the LBP scheme? If so, why?

No.

However, we believe there is an anomaly in the licence holder register system, which removes LBP licence holders from the register if they are not currently registered. There is a direct impact on this removal if the licence holder has signed off on a record of work historically, but they cannot be searched on the register for their licence number even though the work was undertaken legitimately. For example, plumbers are shown on their trade body register with retrospective years registration, so even if they are not registered currently, one can check if they were last year, two years ago, three years ago, etc.

8. Do you think the classes can be expanded to include specialised professions, without resorting to adding a class for every profession? If so, how?

Yes, we would advocate that a specialist area that carries significant safety and financial impacts from a build/install failure should have classes of their own. This approach would restrict uncontrolled growth of classes for every profession.

As an example, we believe the solid fuel burner installation area should be Restricted Building Work (RBW) and have a Licence Class in its own right, given the significant health and safety, fire and weathertight issues attached to it.

We would also support the addition of a new Licence Class or an Areas of Practice that relates to RBW such as, Specialist Window Installers and Earth Home Builders.

The area of passive fire control has long been a build failure area, which is inconsistent with the design and

## Licence classes

install controls deemed necessary, appropriate and imposed for structure and weathertightness. With the rapid growth of apartment and high density complex residential dwellings, the safety risks are increasing rapidly as a result of the current void in respect of oversight and control in this area. Failures in this area are often hidden behind walls and in ceilings and uncovered after tragedy has struck. We would argue that regulatory neglect in this area would be a major oversight regarding this LBP reform. We therefore ideally see passive fire installation being an Area of Practice within the Carpentry Licence Class allowing passive fire oversight delivering a methodology for accountability of all other trades whose work practices could compromise best practice passive fire requirements. It would also lead to passive fire education across many other trades

### 9. What professions do you believe need to be covered by the LBP scheme that aren't already? Why?

We see the following specialty areas as necessarily being covered under the scheme, given the high risks in respect of the work undertaken and the financial and safety implications should failures occur.

- Solid fuel wood burner installation (specific Licence Class)
- Stonemasonry (specific Licence Class)
- Pre-purchase Property Inspection (Area of Practice - Carpentry)
- Group Home Builders, Prefabrication, and Modular erection (Area of Practice - Carpentry)
- Specialist Window Installers (Area of Practice – Carpentry)
- Passive Fire (Area of Practice – Carpentry)

The creation of specific Licence Classes and Areas of Practice will add to efficiencies, avoidance of build delays, and a speedier consent process.



## Licence classes

### Questions for the consultation: does the way areas of practice work result in standard work?

**10.** Are you aware of instances where LBPs are operating in areas of practice within their licence class but outside of their competence level?

Anecdotally, yes. However, we recognise the need to train and grow competencies across broader areas of a Licence Class. We would recommend that where an individual works outside their Area of Practice, that they also be in training and under supervision for the area for which they do not have competence. Such situations should be adequately monitored and recorded on site by the building company Foreman.

**11.** Do you believe that the way areas of practice operate should be amended? If so, how? What impact do you think amending the Area of Practice structure may have?

We would support there being more Areas of Practice, particularly, where there is a clear area of specialisation.

We would expect regular dialogue with sector groups to inform and advise movements into specialty areas within their particular Licenced Classes. These specialty areas should then be supported by industry qualification/accreditation or micro-credentials. An good example of this is the Building Official Institute of New Zealand's *Accreditation of Building Surveyors* scheme for Pre-purchase Property Inspection, designed to recognise the high level of skill, mitigation of consumer risk, and deliverance of public confidence in an area notoriously plagued by skill mis-representation and a lack of building surveying knowledge. LBP's working in this area without the requisite skills endorse their own poor practices and fail the consumer.

**12.** What is your opinion on the way Site and Design areas of practice are separated (i.e. by building complexity)? Do you think this needs to change?

We would recommend that Areas of Practice be donated along with the Licence Class on an LBP's identity card, and be contained on the LBP register, ensuring competency visibility.

We would also support each Class and Area of Practice having a higher level of compulsory learning activities to support entry into a Class or Area of Practice.

In respect of the Design and Site Classes, we would advocate for the inclusion of High Density housing as an additional Design and Site Area of Practice, which would reflect the growth and specialist skills needed in respect of these high occupancy multiple-dwelling complexes ; and extend the definition of Restricted Building Work (RBW) accordingly.

## Licence classes

### Questions for the consultation: how can the Site Licence be improved?

**13. Do you believe the building sector in New Zealand still needs the Site licence class?**

Yes. We support the continuation of the Site Licence Class, with the addition of High Density building. We also support that the Site Licence category should be mandatory and part of Restricted Building Work (RBW). It is vitally important the interfaces and junctions are well co-ordinated between trades.

**14. Can the Site licence be amended to make it more useful or make the purpose clearer? If so, how?**

See above points 12 and 13 above.

As articulated in Q5 we see value in ongoing training supporting specific supervision competencies.

We see an urgent need for supervision credentialling in both passive fire installation, solid fuel burner installation, specialist window installation, membrane waterproofing and earth building supervision. This credentialling for Site Licences ensures much needed knowledge in these high risk and safety areas while not necessarily having the detail knowledge and practice needs of an LBP Trade Licence

**15. Have you previously held a Site licence but chosen not to continue with it? If so, why?**

N/A

**16. For current Site licence holders: How do you make your licence worthwhile? What methods do you use to promote it?**

N/A

## Licence classes

**17. Are there ways that restricted building work and supervision can be added to the Site licence? If so, how?**

Amend Restricted Building Work (RBW) to make site supervision mandated and part of RBW which, therefore, makes site licence mandatory.

**18. In what ways can responsibility be added to the class without the level of risk to the holder becoming too high?**

There needs to be clarity about what responsibility is. Responsibility of the site LBP and various trades LBPs, in particular, around the interfaces and junctions between Classes. This will ensure a well-documented and understood list of responsibilities and accountabilities, that should avoid poor behaviour and building failures.

## Licence classes

### Questions for consultation: Is the LBP scheme too flat and should it offer more for experienced LBPs?

- 19.** Do you believe that the LBP scheme should recognise those who have more experience in the industry? If so, how?

*Industry experience* was a grandparenting approach to establish the LBP scheme. It is now time for new entrants to have qualifications as an entry requirement and ongoing CPD for continued recognition.

- 20.** Do you believe that the LBP scheme should offer a tiered system to separate inexperienced LBPs from those with more experience? If so, how should it be set up?

We would encourage looking at a scheme like Certified Plumbers, who sign off on work based on experience.

- 21.** Do you believe that a tiered licence would solve any issues? If so, what issues could it solve, and how?

To achieve this there needs to be a competence capability assessment, as we see time based experience by itself failing to deliver on the right skills maintenance, particularly if the range of work was generally at a low level.

## Minimum standards for entry and continued licensing

### Minimum standards for entry and continued licensing

Pages 30 to 35 of the discussion document talk about minimum standards for entry and continued licensing.

#### Questions for the consultation

##### 22. How well do you think the LBP scheme currently ensures new applicants and existing LBPs are sufficiently competent?

The current scheme does not deliver on competency and capability. There are still significant work omissions and failures across the Design and Build Classes.

The New Zealand scheme should quickly move to being a qualification entry pathway only. International best practice in countries like Germany, Switzerland, etc., require vocational training pathways. We would encourage a study of the German apprenticeship and the Meister qualification (a person skilled or prominent in a specified area of activity) pathways.

This European qualification pathway delivers high quality building work, a professional pride, and public recognition of quality build outcomes. Economically, if New Zealand adopted this approach, we would see a rapid decline in design and build failures, reduced build costs, and higher productivity due to the avoidance of reworks (which are unfortunately, significant in a New Zealand build context and more often hidden from statistics).

We would also see a qualification, micro credentials, and industry credentialing along with ongoing and improved CPD requirements reducing the unskilled labour content being used to deliver work in specialist skilled areas. The net effect being a positive behavioural and cultural change across the sector.

Mandating qualifications and CPD will also significantly reduce the inefficiencies created by poor work practices picked up on by BCAs and improve and reduce costly time delays.

**Building Practitioners Board (BPB)** - the Institute would support changes to the BPB regulatory scope particularly in respect of the Boards functions (s343). The BPB needs to have a more proactively focussed functionality as opposed to its largely complaints driven process. This could necessarily involve monitoring and audits of LBPs leading to data capture and appropriate change proposals thereby driving competency improvements.

**Note:-** While we are mindful the LBP scheme and RBW are residentially focussed, we would make the point that our members are noticing skill gaps in the commercial design and build inspection areas. We would encourage some investigative work by MBIE in this area to determine potential improvement pathways.

##### 23. What specific parts of the scheme do you think are driving low confidence?

A lack of ongoing structured learning that delivers relevant CPD across the Licenced Classes. We would recommend that each skill area represented by the Licenced Classes establish a "skills gap committee" that looks to provide relevant and mandatory training to lift knowledge and capability.

The current minimum standards for continued licensing is too low. Twelve hours of compulsory or elective activities over a two-year period is not sufficient.

We all too often hear that industry has not time to train. It is this lack of ongoing training that drives building failures reduces productivity and imposes unnecessarily exorbitant remedial costs on building owners. There is a need to break the lack of training cycle, create behavioural change in respect of pride and value in regular and appropriate training, and rid the sector the "she'll be right" attitudes

## Minimum standards for entry and continued licensing

**24.** Should we lift minimum standards of competence in the LBP Rules? What level should they be set at, are there particular gaps that need to be covered?

Yes, see our notes in respect of question 22.

**25.** Should formal qualifications be required for anyone in the scheme? If they were required, are there any issues MBIE should take into account?

YES, we believe that if one is in-employment they must be in a training program relevant to their job roles, whether a full trade qualification or a micro-credential specialisation. See comments in question 22 above.

**26.** How can assessment and skills maintenance requirements support confidence that practitioners meet minimum standards, and are keeping their skills and knowledge up to date?

## Minimum standards for entry and continued licensing

Skills maintenance is vital in today's fast moving and global product supply market.

We advocate that each Licenced Class and Areas of Practice create committees or forums that identify skills gaps or expertise failures that are supported by mandatory training course requirements across the whole sector to lift skills and mitigate build failures.

We would see relevant trade associations supporting the training development and delivery requirements.