

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 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. 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: David Kelly

Email address: David.Kelly@masterbuilder.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.

Registered Master Builders Association (RMBA)

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

- | | |
|--|--|
| <input type="checkbox"/> Licensed building practitioner | <input type="checkbox"/> Engineer (please specify below) |
| <input type="checkbox"/> Non-LBP tradesperson (please specify) | <input type="checkbox"/> Residential building owner |
| <input type="checkbox"/> BCA/Building consent officer | <input type="checkbox"/> Commercial building owner |
| <input type="checkbox"/> Education/training/skills | <input checked="" type="checkbox"/> Other (please specify below) |
| <input type="checkbox"/> Designer (please specify below) | <input type="checkbox"/> Prefer not to say |

Please specify here.

CEO, RMBA

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?

There is room for improvement in the current supervision requirements.

The main issue for RMBA is ensuring appropriate clarity is provided on the specific supervision requirements at site and at task level. Determining the supervision requirements is currently subjective, with each LBP deciding the supervision required based on their own interpretation. This creates inconsistency in approach and rigour, and can create risk when the LBP is an employee and has a differing (more intensive) level of supervision required than their employer that the employer will insist on their approach.

Our understanding is that supervision is also becoming less frequent, with more sites being managed by one LBP due to a shortage of trades available.

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 that there are some issues with the adequate standard of remote supervision, with a particular issue regarding hammer hand labour receiving minimal supervision. We are also aware of instances of LPB license numbers being used by others not covered by the license.

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

There are some problems. Current supervising LBPs often lack the specialised knowledge required to ensure quality assurance of the work, and not all of the existing specialised work is covered by LBP licenses.

Supervision

- 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?**

Yes. Due to the nature of the supervision role, it warrants a higher standard of competence and criteria. RMBA is also supportive of considering the merits of requiring businesses to become LBPs, not just individuals.

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

Yes. Due to the nature of the supervision role, it warrants a higher standard of competence and criteria.

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. Any work that penetrates the external envelope, may affect structural integrity, or may affect fire resistance requires supervision.

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

No.

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?

N/A

Licence classes

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

All professions whose work affects the weathertightness, structural integrity, fire performance or durability of the completed structure and falls within the category of Restricted Building Work. Consideration should be given to requiring these professions to also provide warranties. We note that warranties are being provided with Producer Statement and records of works for CCC.

Licence classes

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

Yes, we understand there are instances of LBPs undertaking work that they do not have the capability or competency to do. We are also aware of instances where this work is then being signed off by a remote LBP, who is not on site to see the non-visible works.

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 support reviewing the Areas of Practice against current standards and competencies to identify gaps or areas where industry practice has changed. We are supportive of the Areas of Practice being brought up to today's standards and any identified gaps being addressed.

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?

N/A

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. This class is a useful guide for supervision, due to the higher level of competency required.

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

Consideration should be given to ensuring a LBP carries adequate insurance and personal indemnity for at least 10 years (or until the expiry of warranty commitments) post a business being wound up or liquidated. Currently it is too easy to form a new business and exit prior liability and commitments.

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?

Consideration should be given to how best make the LBP scheme attractive as trades people age. Our experience is that there is reluctance to assume personal risk at the later stage of individual's careers.

Licence classes

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

N/A

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

We support consideration of requiring business to become LBP.

In addition, a calculation of insurance should be purchased based on the value of work supervised eg: Construction Works insurance cover that is purchased based on build value.

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?

We are not supportive of expanding grandparenting for those who are unqualified but have experience. We support a scheme that requires higher competency levels for different licenses, such as supervision.

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?

There is merit in this approach. The Design class one and Design class two is a good example of this working, it allows low risk scheme work to be completed at level one.

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

It depends on the resulting tiered scheme. We would require more information on any proposed tiered scheme before being able to provide a fulsome comment.

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?

Not well enough. Stricter and higher level competency requirements are needed, particularly for supervisors and supervision.

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

A sense that some LBPs attempt to get around the system, and are successful in doing so combined with not enough rigour in the requirements and competencies to become a LBP.

- 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?

If there are significant gaps between the existing scheme and current practices then yes. One example is with annual supervision, which should be required by an equivalent rated peer. Also reporting of failure rates by LBP back to BCA should be consolidated and reported, and consistent failures should trigger additional training or assessment.

Minimum standards for entry and continued licensing

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

Formal qualifications should be required for everyone in the scheme. Any existing LBPs without formal qualifications should be required to evidence the required competency through experience.

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?

Obtaining and keeping a LBP should require an appropriate qualification and/or evidence of recent practice and skills maintenance, appropriate to the licence class.