

Feedback by

Hamilton City Council Staff

LICENSED BUILDING PRACTITIONERS REGIME - SUPERVISION, LICENCE CLASSES AND MINIMUM STANDARDS OF COMPETENCE – MAY 2021 DISCUSSION DOCUMENT

1 June 2021

It should be noted that the following feedback is from staff at Hamilton City Council and does not necessarily represent the views of the Council itself.

1.0 INTRODUCTION

- 1.1 Staff at Hamilton City Council would like to thank the Ministry of Business, Innovation and Employment for the opportunity to provide feedback to the discussion document on Licensed Building Practitioners Regime - Supervision, Licence Classes and Minimum Standards of Competence.
- 1.2 We have completed the official feedback form provided by the Ministry of Business, Innovation and Employment - this is attached.

2.0 FURTHER INFORMATION AND OPPORTUNITY TO DISCUSS OUR FEEDBACK

- 2.1 Should the Ministry of Business, Innovation and Employment require clarification of the feedback provided, or additional information, please contact **Alister Arcus** (Principal Building Review Officer) on 07 838 6677, 022 177 5023, or email alister.arcus@hcc.govt.nz in the first instance.
- 2.2 Hamilton City Council staff would welcome the opportunity to discuss the content of our feedback with the Ministry of Business, Innovation and Employment in more detail.

Yours faithfully



Richard Briggs
CHIEF EXECUTIVE

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:

Alister Arcus

Email address:

alister.arcus@hcc.govt.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.

Hamilton City Council

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.

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?

No, there seems to be a disconnect between the site supervision and the on-site LBPs. There appears to be a 'silo mentality' on-site between different LBPs such as bricklaying and carpentry/cladding, roofing/carpentry etc where the interface occurs. It seems the site license holder may be remote and often does not visit the site often (anecdotal). It is often up to the BCA field inspectors to review the higher risk and interfaces between different materials, which only occurs during a short inspection time.

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?

As above, if they are not visiting the sites in a frequency that is needed, there can be failures of installation or they are not picked up.

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

As above, failure of non-LBP installations occurs frequently (anecdotal) because of the high work volumes and the licensed LBP may be on various sites and not able to spend as much time with the non-LBPs and not being adequately aware of the compliance of the work being carried out in compliance with the Building Code. Often 'stuff' is covered up/completed before anybody has a chance to check it e.g.: different cladding junctions, internal/external waterproofing, passive fire.

Also, as the supervision license is exclusive to restricted building (e.g.: carpentry LBP can only supervise carpentry), there is a potential that the interface between the LBP installations could lead to a higher risk of failure.

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?

No, all LBPs, unless this committee decides that certain restricted building work can only be carried out by LBPs.

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

Yes, and ongoing continuing professional development to ensure maintenance of knowledge. It is essential that the competency of all licensed classes maintain competency. BCAs have a regime where a peer may assess competency for work undertaken over the previous year and a similar thing could be instigated here.

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, unless these professional organisations carry out ongoing supervision/auditing of their members.

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?

Yes. There are probably some specialised trades in high-risk areas such as claddings and roofing that are not covered in the current regime. If these are systems that are reasonably basic and simple, these could be included.

For example, the current class action against James Hardie highlights the issue of potential failures in installation of cladding systems (as alleged by the defendant) of a seemingly simple system, so there needs to be a more robust review of the competency of LBPs to carry out system installations.

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

Cladding systems that are considered low risk or easy to install with more training/auditing of the LBP to ensure they have the current knowledge to install these and belonging to profession trade associations.

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?

No proof, but anecdotally there are examples of this such as design professionals working beyond their scope of approval.

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?

Yes. LBPs should be encouraged to advance their careers, but if there no mechanism to allow this to be undertaken with the necessary oversight, then this work is often carried out beyond their competency. There needs to be a tightening of the scope of work that a LBP is able to undertake i.e. a system of oversight for anyone wanting to go beyond their scope and a mechanism to allow their license to be updated to higher competencies.

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?

Too open and prone to exploitation.

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, and needs to be linked to the LPB e.g.: the carpenter LBP should automatically be the site license holder as they traditionally oversee the on-site coordination.

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

Please refer above.

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

No.

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

N/A.

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

As per response to 13 above.

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

This is currently the traditional state on the building site. The carpenter is traditionally the coordinator on-site.

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?

Yes, as below, a tiered system, or a list of extended parts to the LBP e.g.: have a basic and advanced practitioners' scheme to allow for beginners and then moving through to a more advanced approval.

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?

Like the Plumbers-Journeyman approval through to fully licensed (experienced, more complex systems approval etc).

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

Provides a career pathway and something to strive for.

Higher levels could include on-site supervision.

Matched the trades hierarchy e.g.: tradesman, leading hand, foreman etc.

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?

More auditing/competency assessment of existing practitioners required.

Mechanism to upgrade to move up the experience ladder as per above.

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

We are unaware of this.

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?

As per the response to 22 above.

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

A trade qualification as a minimum and completion of a minimum time on the tools.

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?

A more robust scheme to assess and audit LPBs alongside a more comprehensive scheme to reduce the open-ended nature of it.