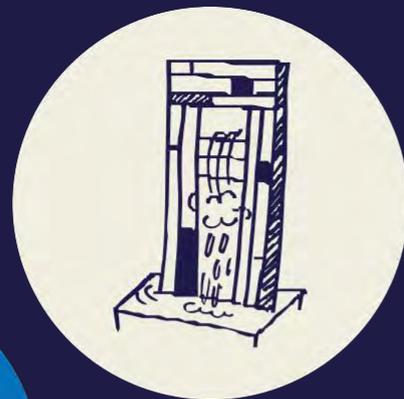


HAMILTON CITY COUNCIL – STAFF SUBMISSION

Occupational Regulation Reforms in the Building and Construction Sector (February 2023 Consultation Document)

Ministry of Business, Innovation and Employment



14 April 2023



**Hamilton
City Council**
Te kaunihera o Kirikiriroa

Improving the Wellbeing of Hamiltonians

Hamilton City Council is focused on improving the wellbeing of Hamiltonians through delivering to our five priorities of shaping:

- **A city that's easy to live in**
- **A city where our people thrive**
- **A central city where our people love to be**
- **A fun city with lots to do**
- **A green city**

The topic of this submission is aligned to the priority **'A city where our people thrive'**.

Council Approval and Reference

This staff submission was approved by Hamilton City Council's Chief Executive on 14 April 2023.

Hamilton City Council Reference D-4646547 - Submission # 730.

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

Introduction

1. Hamilton City Council staff would like to thank the Ministry of Business, Innovation and Employment for the opportunity to make a submission to the **Occupational Regulation Reforms in the Building and Construction Sector (February 2023 Consultation Document)**.
2. The response/feedback from Hamilton City Council staff is outlined in the Ministry of Business, Innovation and Employment's official submission form - copy attached.

Further Information and Opportunity to Discuss Our Submission

3. Should the Ministry of Business, Innovation and Employment require clarification of the submission from Hamilton City Council staff, or additional information, please contact **Alister Arcus** (Principal Building Advisor - City Growth) on **07 838 6881** or email alister.arcus@hcc.govt.nz in the first instance.
4. **Hamilton City Council staff would welcome the opportunity to discuss the content of this submission in more detail with the Ministry of Business, Innovation and Employment.**

Yours faithfully



Lance Vervoort
CHIEF EXECUTIVE

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Submitter information

MBIE would appreciate you providing 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. Please note that all questions are optional. Any information you provide will be stored securely.

A. About you

Name:

Email address:

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

Yes

No

C. What is the best way to describe your role/organisation? If you hold any licences, please list them below too.

D. What is your age?

Under 18

18-24

25-34

35-44

45-54

55-64

65+

E. What part of the country are you in?

Northland

Auckland

Waikato

Bay of Plenty

Gisborne

Hawke's Bay

Otago

Southland

Other (please state):

Taranaki

Manawatū-Whanganui

Wellington

Nelson-Tasman

Marlborough

West Coast

Canterbury

F. 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.

G. Privacy information

The Privacy Act 2020 applies to submissions. Please tick the box if you do **not** wish your name or other personal information to be included in any information about submissions that MBIE may publish.

MBIE may upload submissions or a summary of submissions received to MBIE's website at www.mbie.govt.nz. If you do **not** want your submission or a summary of your submission to be placed on our website, please tick the box and type an explanation below:

Part 1: Proposals for change

Part 1 of this document focusses on proposals for change within some of the occupational regulation regimes:

- 1A: supervision and licensing areas for the Licensed Building Practitioners regime
- 1B: the scope of a codes of ethics to be introduced for the Plumbers, Gasfitters and Drainlayers regime and the Electrical Workers regime.

Part 1A

Licensed Building Practitioners regime: Proposals for change

For this section, please refer to pages 11-24 of the consultation document.

Proposal 1: MBIE proposes introducing an endorsement for the supervision of restricted building work. This will mean that not every Licensed Building Practitioner (LBP) will be able to supervise non-licensed practitioners, only those that hold the endorsement in the relevant class(es). This proposal will ensure that those who can supervise have been deemed competent to do so. It will also help address poor supervision in the sector and make it easier for the Building Practitioners Board to hold to account LBPs who supervise poorly.

1. MBIE has outlined a range of problems that are affecting the LBP regime, from the two overarching problems to the more specific problems detailed in each section. Are there any issues that have not been included?

Yes

No

Please explain your answer.

2. Do you agree with the proposal for a supervision endorsement?

- Yes, and I think that competency needs to be tested to gain the endorsement.
- Yes, and I think that being licensed for a certain amount of time is enough to gain the endorsement.
- No, I disagree.

Please tell us why you agree or disagree.

3. To be eligible to apply for a supervision endorsement, should an LBP be required to hold a recognised supervision qualification?

- Yes - LBPs must have a supervision qualification
- No - LBPs should be eligible to have their competence tested if they do not have a supervision qualification

Please explain your answer.

4. Do you agree with the proposed 24-month timeframe for transition before the change comes into effect?

- Yes No, it should be longer. No, it should be shorter.

Please tell us more:

Proposal 2: MBIE proposes to make changes to the licence classes in the LBP regime. These changes are to:

- introduce a new area of practice for stonemasonry in the Bricklaying and Blocklaying class (to be renamed Construction Masonry)
- create a new licensing process for specialists, for example plasterboard and tanking installers; and
- introduce a new licence class for internal waterproofing.

This will mean that people wanting to do stonemasonry or internal waterproofing will now be required to be licensed. This will mean that the public can be assured of a practitioner’s competence before they begin work.

This proposal will also increase the regime’s efficiency by make it easier for specialists to become licensed to undertake very limited areas of restricted building work within a broader licence class.

5. Do you agree with the proposals for stonemasonry, internal waterproofing, and specialist installers?

	Agree	Disagree	Prefer another option
Stonemasonry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internal waterproofing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Specialist installers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please explain your answer for each profession.

6. Internal waterproofing could cover many different trades in the sector. Do you agree that our proposed expanded definition of restricted building work would sufficiently cover all the trades in the sector?

Yes

No

Please explain your answer:

7. Please tell us what types of trades you think are likely to be impacted by the introduction of this new internal waterproofing class, and what trades should be included as areas of practice?

8. There are currently no recognised qualifications for tanking or internal waterproofing. Do you think these need to be in place before these areas are introduced to the regime?

Yes

No

Please explain your answer:

9. What impacts would you expect on you or your business from the proposed changes? These impacts may be economic/financial, environmental, health and wellbeing, or other areas:

10. Do you agree with our estimation that at least 75% of eligible LBPs may apply for a supervision endorsement?

Yes, 75% or higher.

No, it will be lower.

Please explain your answer.

Part 1B

Electrical Workers regime, and Plumbers, Gasfitters and Drainlayers regime:

For this section, please refer to pages 25-32 of the consultation document.

MBIE proposes that a code of ethics be introduced for the Electrical Workers regime and Plumbers, Gasfitters and Drainlayers regime. This will provide a mechanism for regulators to manage poor conduct, promote public confidence and support licence holders to clearly understand the level of professional behaviour that is expected of them. The aim is to have a set of expectations that will be consistent for all practitioners across the building and construction sector, following the recent introduction of the LBP code of ethics.

11 A Do you think that the introduction of codes of ethics for plumbers, gasfitters and drainlayers will help to ensure that professionals are held accountable and improve the public's confidence in the respective regimes?

Yes

No

Please explain your answer.

11 B Do you think that the introduction of codes of ethics for electrical workers will help to ensure that professionals are held accountable and improve the public's confidence in the respective regimes?

Yes

No

Please explain your answer.

12. Do you agree that the professional expectations should be consistent across the building and construction sector?

Yes

No

Please explain your answer, in particular if there is anything specific to each profession that would need to be addressed in the code?

13. Do you agree with the proposed one-year timeframe for the introduction of the codes of ethics?

Yes, the transition period sounds appropriate.

No, it should be shorter.

No, it should be longer.

Please explain your answer.

Part 2: Issues MBIE would like feedback on

Part 2 of this document focusses on issues that MBIE would like to seek feedback and evidence on, to inform our understanding of the issues. This is work that is in early stages of the policy development process, and not yet ready to progress to options or proposals for change.

MBIE is seeking feedback and evidence on the following regimes and issues:

- 2A: Registered Architects regime: Review of the *Registered Architects Act 2005* to determine if it is still fit for purpose.
- 2B: Licensed Building Practitioners regime: Review of the competencies and minimum standards for entry that must be met to be licensed.

Following public consultation and consideration of the submissions, MBIE will undertake further policy work and develop options for consultation next year, if appropriate. Your feedback will inform the next steps and any proposals for change.

Part 2A

Review of Registered Architects Act

For this section, please refer to pages 32-40 of the consultation document.

MBIE is undertaking a review of the registered architects regime to determine whether the current regime has achieved the benefits that were originally intended and has resulted in the effective and efficient regulation of architects.

We are now seeking your feedback on the extent of the issues MBIE has identified with the regime and your views on whether the regime has achieved the following outcomes:

- increased the overall competency of architects
- improved confidence in the building industry by increasing the credibility of those undertaking design work as architects
- resulted in higher standards of those providing design services in the building industry.

Outcome 1: Increase in the overall competency of architects

14. Is there a difference in the quality of a registered architect's design work compared to other design professionals, such as design LBPs?

Yes

No

Please explain your answer.

Outcome 2: Increased confidence in the building industry by increasing the credibility of those undertaking design work as architects.

15. How have registered architects increased credibility in the building industry?

Please choose one of the four options below, providing feedback on whether architects have increased credibility in the building industry:

- Option one: registered architects provide a high level of confidence within the building industry through the quality of their work.
- Option two: registered architects provide some level of confidence within the building industry through the quality of their work.
- Option three: registered architects do not provide any confidence within the building industry through their work.
- Option four: Not sure about how registered architects contributed to increased credibility in the building industry.

Please explain your answer.

Outcome 3: Higher standards in the building and design industry

16. What are the potential risks of harm that could arise from an architect's role in the building process? Do you have any evidence of public harm that has been caused by architects?

Please explain your answer.

17. How well do you think the current occupation regulation regime is at holding architects to account?

Very Good

Good, but needs some improvements

Not good, needs significant improvement

Other

Please explain your answer:

18. Is continuing occupational regulation justified for the architectural profession in New Zealand?

Yes

No

Please explain your answer.:

Part 2B

Competencies in the Licensed Building Practitioners regime

Background

For this section, please refer to pages 41-43 of the consultation document.

MBIE would like feedback and suggestions for improving areas of practice competencies that LBPs must meet to be licensed. This includes setting the current competencies at a higher level, or adding new areas to the competencies. Improving the competencies will bring the competencies in line with the demands of the present-day sector.

19. How can the current competencies be improved to set them at a higher level? What specifically can you point to that needs to be improved?

20. Are there any new areas that should be added to the competencies? These may be general across all classes or may be specific to a certain class.

MBIE would also like feedback on the interaction between the Design LBP class and the Registered Architects regime. MBIE is aware that some see the Design LBP class as a lower threshold compared to the Registered Architects regime and that there is a perception that the quality of work produced by some Design LBPs is of a low standard.

MBIE would like feedback on the interaction between the two regimes, whether any competencies should be added to the Design class, and what can be done to align the two regimes and close any regulatory gaps.

21. Do you agree with our assessment of the interaction between the Design class and the Registered Architects regime?

Yes No

Could you recommend any improvements to the competencies in the Design class? Do you believe that the two should be more closely aligned and, if so, how?

Part 3: Next steps

PROCESS AND TIMEFRAMES

Thank you for taking the time to read and respond to the questions in this paper. MBIE will analyse the submissions received and will report back to the Minister for Building and Construction in mid-2023. A summary of submissions will be released publicly on MBIE's website.

For the work covered in Part 1, MBIE will begin finalising the proposals based on the feedback received, including seeking final Cabinet policy decisions by potentially late-2023.

For the work covered in Part 2, your submissions will be used to determine a series of potential options for improvements to the respective regimes. MBIE intends to seek feedback on these options in 2024 through public consultation.

22. There will be further targeted consultation on the design and implementation of the proposals contained in Part 1 of the document before they are implemented. Would you like to be involved in this?

Yes

No

If so, please indicate which area(s) you would like to be consulted on.