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: Nicholas W Hill

Email address: nickhill@boinz.org.nz

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.

Peak body Not For Profit charitable organisation representing building surveyors, including BCOs.

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

National organisation

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.

The Building Officials Institute of New Zealand (BOINZ)

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.

Lack of overall site supervision has not been included. LBPs continue to work in silos, not being responsible for coordination across different aspects of RBW. The site licence continues to still be voluntary, despite the lack of overall site supervision being referenced in the Hunn Report.

The Institute has previously made representations in this area in respect of supervisors needing the right skills, knowledge and behaviours to carry out and supervise quality building work. A tighter definition of supervision we believe would naturally lead to employ more LBPs with appropriate licence classes as opposed to the use of unskilled labour. This would drive cultural and behavioural change across the built-sector and improve build outcomes.

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.

We see supervision as a pathway of career growth and should be available across all licence classes so long as they can demonstrate their competence. We support training and accreditation of supervisors.

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.

See our comments above. We strongly support the LBP scheme placing greater emphasis on both formal education and training, particularly in specific supervision competencies. This training could be micro-credentialing or industry accreditation in the growing specialisation fields such as membrane waterproofing, passive fire installation, specialist window installation, solid fuel burner installation, and earth building. These are critical build and install areas that impact on structure, fire safety and weathertightness.

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:

While we acknowledge the urgency to move quickly in respect of supervision endorsement, we believe that a robust regime needs to be developed and tested while also allowing sector understanding and acknowledgment of its need. Therefore, the Institute would support a longer transition time than 24 months, arguably 36 months.

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	☐	☐	☐
Internal waterproofing	☐	☐	☐
Specialist installers	☐	☐	☐

Please explain your answer for each profession.

We support the incorporation of stone masonry and internal waterproofing as new licence classes and believe the case for a specialist installers is an extremely important addition that allows for inclusion of critical life safety and specialist expertise areas that if incorrectly undertaken may compromise building quality and safety and impact cost wise on owners and occupiers. For example, solid fuel burning installation should be supported by an industry accreditation process in this area; and similarly for specialist window installation, and for passive fire installation.

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:

In principle yes, but we would advocate that competency be undertaken through industry accredited programme, supported and acknowledged by the Registrar. We believe this is more appropriate than a fixed qualification given technology in specialist trades moves quickly in respect of products and proces. Industry is best placed to deliver a programme with oversight and agreement via the Registrar.

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?

Tilers; underfloor heating installers (electricians); plumbers; builders; painters.

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:

Please see our response for Question 6 in respect of specialist industry accreditation programmes with the Registrar's oversight and approval.

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:

We would expect to see fewer quality issues, fewer requests for further information, and better building outcomes. The impact on the end user, we anticipate will be significantly positive in terms of financial benefits and quality building outcomes. Mental health issues for owners and occupiers would also be reduced.

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.

We support this. It provides a mechanism for the respective boards to manage inappropriate conduct. It will importantly set standard expectations across each of the sector disciplines, and aides in the delivery of behavioral consistency. We would encourage a wide range of penalties and fines to enable boards to deliver appropriately on serious misdemeanors. Having a transparent behavioural code of ethics and disciplinary process across all disciplines will in all likelihood drive a speedier improvement in behaviour.

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.

Please see our answers in 11 A.

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?

We don't see any difference in the behavioural expectations of consumers from one sector to another in the building environment.

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.

We support the position articulated in the consultation document in respect of understanding obligations and allowing regulators time to prepare implementation and build education and compliance tools.

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.

Most architects want to be registered, their competency scope is generalist rather than specific,and they have an important coordinating role in the design and build environment. Many have specialist training, which adds to risk mitigation. They are also early adopters and input critical thinking into design solutions for better building outcomes. They also have a wider responsibility for the built environment.

In contrast, architectural designers tend to stick with acceptable solutions and 'bread and butter' design.

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.

Owners recognise credibility, but within the building industry, architectural credibility is not see as as high as owners contracting an architect. We believe in support that there is an ability for architects to deliver extraordinary credibility. As an organisation NZIA exhibits credibility, but confidence-wise, architects are not exhibiting it. There is work to do in competency area to grow credibility. In terms of the options we believe the answer lies somewhere between option 1 and option 2.

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.

Our feedback indicates that without the building control authority consenting process, the risks of potential harm would be considerably apparent. Designers at times clearly contribute to substandard building stock. BCAs pick up a high level of Request for Information (RFIs), and thereby contribute significantly to reducing the impacts of design harm. Consequently, the value of building surveying and building control cannot be underestimated in the building process. Further feedback emphasised disappointment around architects exhibiting second and third generation leaky building issues and not learning from previous mistakes and well publicised building failure issues and awareness information. The risks in respect of potential harm extend beyond building health and safety per se. As a sector, we are very concerned at the significant financial and mental health implications to building owners and occupiers in getting design wrong. In terms of a transparent complaint and disciplinary process, the Institute supports considerable improvement in this area, with outcomes that include retraining, through to an inability to continue to practice.

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:

Please refer to our comments above, the regulation regime is not transparent, improvements are slow in terms of recognition and implementation, RFIs remain high in respect of the consenting process, and when issues are raised, there is generally an adversarial approach rather than looking at systemic causes and solutions to make appropriate change. Our suggested future accountability model should include a mechanism that promotes improvement as an outcome, particularly in the area of competency and disciplinary process.

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

☑ Yes ☐ No

Please explain your answer.:

We support occupational regulation, but would see its future operating at much higher levels in respect of competency, accountability, and transparency.

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?

We would see BOINZ/BCA representation on representative panel as essential in delivering an overview in respect of assessment and areas needed for sector improvement.

We would also see block training courses each time code clauses or acceptable solutions change (when applicable to the license class) as adding valuable competency up-skilling and sector consistency and efficiency.

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.

Building Code knowledge relevant to the License Class needs to be increased. As an example an internal membrane applicator should know the basic performance criteria for E3 internal moisture

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?

We would see BOINZ/BCA representation on RA and LBP design representative panel as essential in delivering an overview in respect of assessment and areas needed for sector improvement.

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.

All areas